

***Saving our Sisters: Critical inquiry into sex trafficking  
discourses and interventions in the Philippines***

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This thesis is submitted for the degree of Doctor of Philosophy

## Declaration

I hereby declare that my thesis/dissertation entitled:

*Saving our Sisters: Critical inquiry into sex trafficking discourses and interventions in the Philippines*

- is the result of my own work and includes nothing which is the outcome of work done in collaboration except as declared in the Preface and specified in the text.
- is not substantially the same as any that I have submitted, or, is being concurrently submitted for a degree, diploma or other qualification at the University of Cambridge or any other University or similar institution except as declared in the Preface and specified in the text. I further state that no substantial part of my dissertation has already been submitted, or, is being concurrently submitted for any such degree, diploma or other qualification at the University of Cambridge or any other University of similar institution except as declared in the Preface and specified in the text.
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## ACRONYMS

CATW	Coalition Against Trafficking in Women
CATW-AP	Coalition Against Trafficking in Women – Asia Pacific
DSWD	Department of Social Welfare and Development
GAATW	Global Alliance Against Traffic in Women
IACAT	Inter-Agency Council Against Trafficking
IJM	International Justice Mission
PCW	Philippine Commission on Women
PNP	Philippine National Police
NBI	National Bureau of Investigation
NSWP	Global Network of Sex Work Projects
USAID	United States Agency for International Development
US TIP Report	United States Trafficking in Persons Report
VFF	Visayan Forum Foundation (recently renamed Voice of the Free)

## **Abstract**

This research critiques the Philippine anti-trafficking sector's conflation of sex work with victimhood and shows that this conflation is inconsistent with the lived realities of many sex workers. It examines the politics of knowledge production in the anti-trafficking sector and posits that the exclusion of sex workers from policymaking conversations is a form of epistemic injustice. Using a framework that foregrounds sex workers' speech practices, self-representations, and reflections on their own work, it demonstrates that there was a mixture of choice and coercion in my interviewees' engagement with sex work, but that they were not victims in need of 'rescuing' through the criminal justice system. Sex work was better than their realistic alternatives and allowed them to contest their displacement in the labour market and resist gendered low-paid and labour-intensive jobs such as sewing and domestic work. Social stigma undermined their esteem, self-worth, and ability to exercise agency, but they also reworked social scripts by distinguishing their work as clean and honest, in contrast to the hypocrisy of 'moral entrepreneurs'. Partially as a reactive form of self-construction, many saw their engagement in sex work as a moral project, through which they demonstrated virtue as mothers and daughters. Some saw themselves as entrepreneurial, capitalising on their attractiveness and the male demand for sex. Some, indeed, saw themselves as victims. However, close attention to their rendering of the word 'victim' reveals that they saw themselves as victims of poverty, stigma, and policies and practices that removed their control over their working conditions and exposed them to extortion and abuse. Instead of raids and rehabilitation, they wanted political agency and recognition. Based on these findings, I propose approaching sex work from a labour rights and social justice lens rather than full or partial criminalisation. This research also engages with broader conversations on methodological issues in feminist social research, especially around ethical ways of establishing trust with stigmatised populations, treating sex workers as partners in knowledge production while still preserving a critical distance for academic reflection, and negotiating research decisions with gatekeepers.

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## Chapter 1: Introduction

In 2016, the Philippine government celebrated a big win: the country was upgraded to Tier 1 in the United States Department of State's Anti-Trafficking in Persons (TIP) Report, which is considered the authority in assessing anti-trafficking efforts of governments around the world. Since 2001, the US TIP report has ranked countries based on their compliance with the U.S. Trafficking Victims Protection Act (TVPA), with Tier 1 being awarded to countries whose governments fully comply with the TVPA's minimum standards (Kelley 2017, p. 6). The Philippines is widely identified as a source country for trafficking victims (US Department of State, 2018, p. 352). This is largely attributed to high levels of labour migration by Filipino workers, and at least a fifth of the population living under the national poverty line (Philippine Statistics Authority, 2018). Despite being tagged as a 'hotspot' for trafficking, the Philippines is regarded as a pioneer in combatting trafficking. In May 2002, it became the first Asia-Pacific country to ratify the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (herein after UN Trafficking Protocol), a global legally binding document. Soon after, it enacted its own *Anti-Trafficking in Persons Act of 2003* (Republic Act No. 9208), which was expanded in 2013 (Republic Act No. 10364).<sup>1</sup> The 2003 Anti-Trafficking Law mandated the of the Inter-Agency Council Against Trafficking (IACAT), tasked with overseeing and monitoring the implementation of the law. Its members include government agencies and selected civil society organisations.

The Philippines' Tier 1 ranking, which it has maintained every year since 2016, is a point of pride for its anti-trafficking officials. No other Asian country apart from Taiwan has received this ranking. This has positioned the Philippine anti-trafficking sector as 'global experts' and innovators of best practices. As an acknowledgement of the Philippines' anti-trafficking expertise, counterpart agencies from other countries such as Thailand, Ethiopia, and Bangladesh conducted study tours to the Philippines. 'Our fight against human trafficking has been a success because we stayed on Tier 1 for 3 years now. The same reason for which the Thailand Government visited us,

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<sup>1</sup> See Appendix A for a summary of relevant laws.

for them to adapt and learn action plans and strategies’, the IACAT declared on their website (2018). The Philippines also receives significant anti-trafficking funding, primarily from the US government (Kelley 2017, p. 90).

‘Trafficking’ is regarded as a serious crime that violates people’s dignity. It is increasingly used interchangeably with ‘modern slavery’. Millions of dollars are spent on global anti-trafficking efforts (Ucnikova 2017, p. 134). Some sources suggest there are over 40 million slaves globally (International Labour Organization and Walk Free Foundation 2017), while some scholars argue that there are no reliable statistics on the magnitude of trafficking or slavery (Weitzer 2007, p. 455; Dottridge 2017, p. 161). The claim that human trafficking is the second largest criminal industry in the world after drug dealing has been quoted many times over, even if the original source is impossible to track down. Prior to the adoption of the UN Trafficking Protocol in 2000, and for several years after, many anti-trafficking organisations and constituencies such as the media generally mobilised around the image of the ‘female sex slave’ to the exclusion of other forms of labour trafficking (Uy 2013, p. 205). While there has been increased focus on labour trafficking since the Obama administration, the sexual exploitation of women and children remains a key focus in anti-trafficking advocacy and policies.

Trafficking laws are inextricably linked with the debate on prostitution. The UN Trafficking Protocol is a product of years of negotiations among government representatives and NGOs, most prominently feminist groups. The core difference among these groups lies in their view of prostitution, with the Human Rights Caucus viewing it as legitimate labour that must not be distinguished from other types of labour, and the Coalition Against Trafficking in Women (CATW)<sup>2</sup> and their allies arguing that all forms of prostitution, regardless of whether force or deception took place, are a violation of women’s human rights (Doezema 2002, p. 21). CATW’s position is referred to as ‘abolitionist’ because they advocate for the eradication of all forms of prostitution. The UN Trafficking Protocol (UNODC 2018) defines ‘trafficking in persons’ as:

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<sup>2</sup> CATW was founded in 1988 by several American feminist groups. In 1989, CATW became the first international anti-trafficking NGO to gain consultative status with the UN Economic and Social Council (ECOSOC).



‘...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs’.

The interpretations of key terms in the UN Trafficking Protocol are still being debated.<sup>3</sup> While official interpretative notes on the Protocol clarify that its use of the terms ‘exploitation of the prostitution of others and other forms of sexual exploitation’ is ‘without prejudice to how State Parties address prostitution in their respective domestic laws’, the drafters left key aspects of the legal definition intentionally vague (Chuang 2014, p. 610). This has given rise to a definitional muddle over terms such as ‘sexual exploitation’ and ‘abuse of vulnerability’ (p. 616). However, anti-trafficking discourses and interventions generally conflate prostitution with trafficking and global anti-trafficking policies tend to align more with abolitionism (Chuang 2010, p. 1699; Kotiswaran 2014, p. 378; Weitzer 2007, p. 454-455).

The anti-trafficking sector in the Philippines and the women’s organisations that engage with trafficking are firmly abolitionist. The campaign to enact the Anti-Trafficking Law in the Philippines was led by the Coalition Against Trafficking in Women – Asia Pacific (CATW-AP), which was founded in 1993 and is part of CATW International (Roces 2009, p. 273). CATW-AP’s regional office is based in Manila and its Philippine membership base is the largest of its Asian members (Balanon and Barrameda 2007, p. 15).<sup>4</sup> IACAT endorses the *Anti-Prostitution Act*

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<sup>3</sup> The UN Trafficking Protocol is a departure from its predecessor which it replaces, the *1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*, in that it highlights the use of force or coercion as an essential element of defining trafficking, which provides states space to recognise sex work as labour. The 1949 Convention completely disregarded the consent of individuals in prostitution and prescribed the prohibition of brothels. However, the UN Trafficking Protocol still has the potential to be used as an anti-prostitution tool by states because of the insertion of the phrase ‘abuse of a position of vulnerability’ as a factor that constitutes trafficking. CATW’s guide to the UN Trafficking Protocol declared that it was imperative for them to monitor its interpretation to ensure that the ‘correct’ version, which states that trafficking for the exploitation of prostitution does not only occur under conditions of force or coercion, but through ‘abuse of a victim’s vulnerability’, is used as the basis for national, regional, and multi-regional legislation (Raymond 2001, p. 7).

<sup>4</sup> Aurora de Dios, a Filipina feminist, currently serves as President of the Boards of both CATW-AP and CATW.

(Senate Bill No. 501), pending in the 18th Congress, which is a legislative advocacy priority of the Philippine Commission on Women (PCW). This proposed law describes prostitution as ‘violence against women and girls’ and seeks to end the demand for prostitution by decriminalising the sale of sex while punishing buyers and third parties.

Anti-trafficking is as much a matter of geopolitics and national interest and pride as it is about crime-fighting. This research critically reflects on how the narrative of prostitution as victimhood emerged as the dominant perspective in Philippine anti-trafficking discourse and how this understanding of prostitution gives rise to a set of regulations around prostitution and produces sex workers as objects of rescue and moral repair. The role of US funding restrictions and IACAT’s investment in maintaining a Tier 1 ranking in the US TIP report in shaping the direction of anti-trafficking conversations is interrogated.

The normative power of the Philippine anti-trafficking sector and its endorsement of anti-prostitution legislation makes the Philippines a valuable case study. It is important to critically reflect on the power structures, processes of knowledge production, and common interventions prescribed and implemented by organisations in this sector, in a way that accounts for how they are experienced by target populations – in this case, individuals who sell sex. Ultimately, this research forms the basis of my recommendation to view prostitution within a labour rights framework, which accords sex workers political agency and full citizenship. This is a radical shift from the ‘end demand’ approach taken by the Philippine anti-trafficking sector, which is premised on the assumption that prostitution is uniquely exploitative and victimising.

This research relies on interviews with sex workers as a primary data collection method and foregrounds sex workers’ own value-judgments of their work and their experiences of anti-trafficking interventions, which are juxtaposed against dominant assumptions about prostitution in anti-trafficking. This is valuable because there has been no systematic attempt to consult with sex workers or examine their interactions with the anti-trafficking regime in the Philippines. I discuss the exclusion of sex workers from policy conversations and public discourse as a form of epistemic injustice, and situate the ethical and methodological issues I navigated in doing research with sex workers in broader conversations about the challenges in representing and ‘making legible’

experiences of marginalised communities. Furthermore, I show that sex workers are simultaneously constructed by anti-trafficking discourse and think and act in ways that challenge this discourse. In doing so, I unsettle the certainties about prostitution that inform anti-trafficking interventions.

Briefly, the major arguments in feminist scholarship around prostitution as victimhood or slavery revolve around the lack of agency in prostitution and the harmful effects of prostitution on women in general, which form the basis for the ‘end the demand’ campaign. Phillips (2011, p. 232) does not advocate a specific policy position but finds prostitution problematic because markets in sexual services only arise under conditions of social inequality. For Chambers (2017, pp. 25-25), if not for poverty and desperation, most people would refuse to sell sex because there is a deep-seated cultural understanding that sex must be consensual, private, and intimate. For those who oppose applying the ‘contract model’ to prostitution, what is sold in prostitution is never just ‘sex’, because the ‘self’ cannot be fully separated from ‘the body’ in ways that are possible in other forms of labour (Phillips p. 2011, pp. 728-732). For Pateman (1988, pp. 207-208), men who purchase sex are not interested in disembodied services – it is the ‘sexual use of a *woman*’ that they are interested in, which means that women’s bodies in prostitution cannot be separated from their sexuality and identity. The predominance of female sellers and male buyers confirms the sexist nature of the prostitution contract, which she argues arises out of the ‘law of male-sex right’, or male entitlement to women’s bodies (pp. 193-195). MacKinnon (2011, pp. 291-292) observes that one’s sex is the single most powerful determinant of being prostituted, which ought to prove that prostitution is inherently a form of sex inequality. Finally, Pateman also argues that the existence of prostitution reduces the agency of all women because the freedom to buy women’s bodies as commodities publicly affirms men as women’s ‘sexual masters (p. 208).

The overall shape of my argument in response to the conflation of prostitution with victimhood is that while I agree with the premise that social constructions of sexuality can render sex work different to other forms of work, and that poverty may undermine agency to some extent, I disagree with the conclusion that sex work is universally victimising. Based on my interviews with sex workers, I propose a different way of thinking about agency in oppressive situations. Using a framework that foregrounds sex workers’ speech practices, self-representations, and reflections on

their own work, I posit that the sex workers I interviewed are active subjects, with multiple subjectivities, who display a mixture of resistance and conformity to gender and capitalistic norms to survive and thrive, and to enact themselves as moral and entrepreneurial actors. Social stigma undermined their esteem, self-worth, and ability to exercise agency, but they also resisted it by drawing a moral distinction between their work and the corruption and hypocrisy of ‘moral entrepreneurs’. Partially as a reactive form of self-construction, many of them saw their engagement in sex work as a moral project, through which they demonstrated virtue as mothers and daughters. Some saw themselves as effective entrepreneurs, capitalising on their attractiveness and the male demand for sex. For most, their decision to enter or remain in sex work was thoughtful and well-considered, relative to their realistic alternatives, which included other gendered forms of labour regarded as legitimate work by anti-trafficking organisations. Some, indeed, saw themselves as victims. However, close attention to their rendering of the word ‘victim’ reveals that they explicitly did not consider sex work as a form of male violence from which they should be rescued, or that they were forced into. They saw themselves as victims of poverty, social stigma, and a set of institutional regulations around prostitution that gave other people control over their lives. I also critique frameworks that decouple the discussion of agency in prostitution from specific policy and regulatory environments. While I accept that there is a lack of agency among street and establishment-based sex workers in the Philippines, this can in large part be attributed to their inability to organise and advocate for themselves under a legal regime that regards them as either victims or criminals. I argue that our concern over the coercion involved in entering and engaging in prostitution needs to be considered alongside the forms of coercion experienced by sex workers under full or partial criminalisation, or the ‘end demand’ model, which seeks to eradicate their client base. I propose adopting an approach that destigmatises sex work, increases sex workers’ political agency and ability to collectivise and advocate for rights, and improves their control over their working conditions instead of using blunt tools to ‘end the demand’. This approach can coexist with structural reforms targeted at poverty alleviation.

In the rest of this chapter, I elaborate on my conception of anti-trafficking discourse as a regime of truth that produces ‘trafficking’ as a phenomenon to be governed, and constructs subjects such as victims and non-victims, perpetrators, and rescuers, and positions them in relation to each other. I recall my experiences in the anti-trafficking sector that made me question the hegemonic

discourse of prostitution as victimhood, and show how they inspired the research questions in this dissertation. I also provide a summary of the succeeding chapters, where these conversations are explored further.

### **Anti-trafficking as a regime of truth**

I do not take anti-trafficking classifications, definitions, and statistics as fixed and given neutral concepts. Instead, I view anti-trafficking as a discourse, or as a language and set of practices that ‘systematically form the objects of which they speak’ (Foucault 1972, p. 54). Anti-trafficking discourse does not merely describe some pre-existing absolute truth about trafficking, but instead creates the ‘reality’ of trafficking as we understand it and as a phenomenon that needs to be governed. It is a discursive practice by which policymakers and activists engage in world-making, by spatialising the world into potential sites of trafficking where certain villains, usually depicted as organised criminals, recruit innocent victims and exploit them, which creates a context that requires interventions from a paternalistic state. This does not mean that there is no ‘material reality’ outside discourse. The actors identified in anti-trafficking narratives do exist and interact with each other in ways that are affected by economic, gendered, and racial power hierarchies. It is within anti-trafficking discourse, however, that these interactions come to mean specific things and not others. Molland (2010, p. 831) argues that the ‘market metaphor’, or the notion of a *market* where traffickers prey on the ‘supply’ of migrants that flows across international borders to meet the ‘demand’ for labour, is a central trope in anti-trafficking. This marketplace imagery is also deployed in most discussions of prostitution, most prominently when anti-prostitution feminists campaign to ‘end demand’.

Holland (2013, p. 3) explains that ‘discourses occur when language becomes relatively stable, producing meaning in a comparatively systematic way’. This does not mean that there are no tensions or inconsistencies in any discourse, and some of those in anti-trafficking are explored in later chapters. For Molland (2010, p. 837), ‘human trafficking discourse is not a coherent body of theorised scholarship but a meta-language which consists of a range of loosely connected assumptions which allows for contradictions and discursive slips to co-exist’. Nonetheless, this meta-language still ‘makes a fluid, contradictory and ambivalent social reality fit ideal types of

knowledge to make it legible' (Molland 2012, p. 19). Anti-trafficking discourse functions as a 'regime of truth' that allows for and reifies particular understandings of 'what the problem is' while foreclosing others. Foucault (1977, p. 23), in his examination of the emergence of the modern penal system, introduced the concept of 'regime of truth', which he argues is what emerges from the formation of 'a corpus of knowledge, techniques, and scientific discourses that became entangled with the practice of the power to punish'. The 'regime of truth' or 'general politics of truth', of a society at a given moment is described as:

'the types of discourse it harbours and causes to function as true; the mechanisms and instances which enable one to distinguish true from false statements, the way in which each is sanctioned; the techniques and procedures which are valorised for obtaining truth; the status of those who are charged with saying what counts as true' (Foucault and Rabinow 1984, p. 73).

'Truth', Foucault argued, is 'a system of ordered procedures for the production, regulation, distribution and circulation of statements' (p. 74). It is a 'regime' because this 'truth' is 'linked by a circular relation to systems of power which produce it and sustain it, and to effects of power which it induces and which redirect it' (p. 74). Hall (2001, p. 76) reads Foucault as saying that knowledge does not operate in a void and is applied to regulate social conduct, which has real effects. Regardless of whether 'what we know' is true in an absolute sense, its production through specific technologies associated with power such as the law, media, and public forums, can 'make itself true' (p. 76). He gives the example of the belief that single parenting inevitably leads to delinquency and crime. This belief may or may not be true, but if people thought and acted as though it were and punished single parents accordingly, this would have negative consequences for single parents and their children, making the belief 'true' in terms of its effects. In the case of anti-trafficking, what we think we know about prostitution bears upon how we regulate, control and punish the individuals involved, for example, in terms of whom we identify as victims, and the measures we take to protect them. These disciplinary techniques have a gendered nature, in that the mechanisms of social control that are used to address 'the problem of prostitution' disproportionately police and regulate female bodies. Because what think we know is both very powerful but also historically contingent, it becomes important to explore how certain

understandings of ‘trafficking’ became dominant, the ways in which these dominant constructions made their way into policy, and the relationships among those who shape the meaning of ‘trafficking’ and between these ‘discourse masters’ and those they consider to be ‘sex slaves’ (Doezema 2010, p. 11).

At the same time, if power insinuates itself within subjects so profoundly, what does this mean for the subjects of discourse? If the subject is merely an effect of power, does the subject have a capacity for resistance or are subjects perpetually doomed to passively enact the identities imposed on them by discourses? Disciplinary power is inescapable but this does not mean that there can be no (or that there are no) alternative ways of thinking or acting by subjects within regimes of truth. The fact that regimes of truth fade or rupture over time supports this view. There are no sex worker subjects who exist in a way that is completely unaffected by the discourses on prostitution. The discourses on prostitution construct their sense of self and regulate their lives in a material way, but this does not mean that their identity is completely determined by these discourses. Their resistance to dominant discourses or their creative refashioning of their subjectivities grows out of the very situations they are in. Discursively constituted subjects can ‘decipher, recognise, and acknowledge’ the ways in which their selves are produced, which opens up the possibility of alternative ways of being which can challenge, subvert, or reconstitute dominant discourses (Lloyd 1996, p. 247). I argue in Chapter 5 that this need not be a ‘liberal’ consciousness for it to be an exercise of agency. Under certain circumstances, sex workers’ cooperation with the maintenance of certain norms such as clients’ objectification of sex workers’ bodies can be agentic. When it allows them to refuse the under-valuation of their labour in legal low-paid work, choosing to self-objectify in more lucrative ways can even be transgressive.

Yea (2019, p. 17) in her work on anti-trafficking in Singapore, also characterises anti-trafficking as a regime of truth and notes that circularity is important in understanding regimes of truth ‘since it enables the reinforcement and validation of truths’. She argues that scrutinising the production of truths in anti-trafficking and the techniques through which they are produced and perpetuated is important because the self-referential nature of anti-trafficking means that it may not be responsive to or reflective of the lived realities of trafficked persons, or it may selectively distil and reproduce particular experiences to validate dominant narratives. The disjunctures between

anti-trafficking truth claims about prostitution and the lived experiences of sex workers are a central focus of this research.

### **Questioning the hegemonic prostitute-as-victim narrative**

There have been several shifts in policies on sex work in the Philippines, often with different goals. Under Spanish and American colonial rule, a public hygiene office with de facto police powers enforced the mandatory regulation of brothels and compulsory medical inspection and treatment of sex workers (Kramer 2011, p. 6). The ‘inspection regime’ continued to be applied in US bases in the Philippines post-independence until the US withdrew in the early 1990s, but only for sex workers and never their clients. This was based on the presumption that it was Filipino women who were infecting American servicemen, and not the other way around (Enloe 1990, p. 166). The Marcos regime from the 1960s – 80s explicitly capitalised on female sexuality in its push for tourism as part of the national development strategy (Truong 1990, p. 128). In the 1990s, Mayor Alfredo Lim of Manila ordered widespread closures of commercial establishments suspected of facilitating prostitution, often referring to the project as a ‘clean-up operation’ (Law 2000, p. 38). Local courts and the Supreme Court sided with business-owners against Lim in saying that local governments should not be able to shut down businesses without due process (Hon. Alfredo Lim and Rafaelito Garayblas v The Court of Appeals, Hon. Wilfredo Reyes and Bistro Pigalle, Inc., 2002). This mix of different regulatory regimes persists today. The inspection regime, which tacitly accepts prostitution, continues through the issuance of ‘pink cards’ to entertainers who pass regular health inspections. Sex tourism persists, especially in key ‘hotspots’ such Pampanga, Cebu, Manila, Boracay, and Palawan, and several local governments condone the practice because of the financial benefits. The Revised Penal Code of 1930 (RPC) continues to criminalise the sale of sex, although the provision on vagrancy has been repealed. As established, the most recent intervention has been from feminist groups and the anti-trafficking sector, through a suite of laws such as the Anti-Trafficking Law, the Magna Carta of Women, and the proposed Anti-Prostitution Act, that regard women in prostitution as victims rather than criminals or economic assets.



In 2014, I was the policy and advocacy director of a leading anti-trafficking nonprofit organisation in the Philippines. My organisation engaged in prevention, protection, and prosecution efforts, or the ‘3 Ps approach’ that is standard in anti-trafficking work (US Department of State, n.d.). We also tacked on ‘partnerships’ and ‘prayer’. Like most in the Philippine anti-trafficking sector, I believed that prostitution was the abuse of the vulnerability of ‘women and children’ and that it was our duty to raise awareness about the harms of buying sex, to ‘rescue and rehabilitate’ women and children in the sex trade, and to shame and punish buyers and third parties<sup>5</sup> who facilitated the sale of sex. During this period, I used the terms ‘prostituted women’ or ‘women in prostitution’, to emphasise the lack of agency of women who sold sex instead of ‘sex work’ because the latter suggested that it was legitimate work performed by individuals who were making an informed choice (Mackinnon 2011, pp. 272-274).

During my work in the anti-trafficking sector, I was exposed to incidents that revealed both the power of the discourse on prostitution and its incongruence with the experiences of individuals who sell sex. One of my responsibilities entailed building awareness about the ‘trafficking problem’. A turning point was an encounter that took place when I spoke to social workers at a state university to encourage them to consider employment in the anti-trafficking sector’s rehabilitation programs. I spoke with pride about interventions such as the raid and rescue operations that were conducted by the police aided by social workers. I described how rescued women and children in prostitution were sheltered and kept safe from their abusers and provided with legal support to pursue justice and with psychosocial support and skills training that enabled them to break free from sexual slavery and find decent and dignified work. For these events, I told powerful stories about a handful of ‘trafficking survivors’ but never had any comprehensive data about what happened to most rescued women after they were discharged from shelters. Many anti-trafficking programs lack reflexive and robust evaluation (Hames, et. al. 2010, p. 10). However, I accepted that this was beyond the budget of most anti-trafficking organisations, including state agencies, and that our focus had to be on direct services. The other speaker was introduced as a *guest relations officer*, or a ‘GRO’, which in the Philippines is a euphemism for someone who works in a bar as an entertainer and who is also likely to be selling sex. She refused to shake my

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<sup>5</sup> I also used ‘pimp’ to describe individuals who facilitated the sale of sex for a fee, but switched to ‘third parties’ upon learning of the racialised connotations of the term (Stella, 2013).

hand or sit next to me. I was baffled by her hostility – I thought that surely, she should have been happy about our concern for her welfare and our efforts to make her life better. Instead, she began her speech with, “I wish that before people judged us or made claims about our lives, they listened to us first. I do not need your saving. I do not need you to tell me to leave my own children so I can stay with you and wash your clothes and clean your nice houses and be a replacement mother to your children.” It dawned on me that at no point in any anti-trafficking policy conversation or consultation did I see or hear from individuals who sold sex and did not identify as trafficking victims. Despite my discomfort, I interpreted this as an innocent omission: anti-trafficking organisations were undoubtedly helping so many people – inevitably, some would fall through the cracks and not everyone would be happy. I was willing to accept that a flat characterisation of women in prostitution as passive and suffering victims, even if it was a bit artificial and simplistic, was a justified trade-off in preventing the worst forms of sexual exploitation. Maybe it was the best way to persuade society that prostituted women were victims who needed sympathy rather than willing criminals who should be punished, which seemed like the realistic alternative. In a largely patriarchal society, this position was a ‘sympathetic shift’ from the predominant view of women in prostitution as immoral, home-wrecking, and vectors of disease, and therefore, we were still reducing the stigma they faced.

Shortly after this incident, however, I began to reflect more critically on other practices and became increasingly concerned that while imposing a victim identity on all individuals who sell sex appeared to be an exercise of care, it might be a form of control and violence (Merry and Ramachandran 2016, p. 227). Some of this violence may be enacted through pastoral-disciplinary interventions. For example, I had close interactions with ‘prostituted women’ who were rescued from bars and streets and who were deeply resentful of being placed in shelters and removed from their source of income (similar observations have been made in other Southeast Asian countries by Bernstein 2007, p. 138-139; Soderlund p. 2005, 66; Kinney 2014, 1pp. 57-160; Godwin 2012, p. 3). One particularly unsettling experience involved sitting in on a planning session for raids that were about to be conducted in a red-light district, in which a high-ranking anti-trafficking officer acknowledged that surveillance operations yielded no credible intelligence on potential trafficking situations. Nonetheless, these raids were deemed necessary to ‘send a message’ to sex workers and owners of the establishments to put an end to the sale of sex. The conflation of an of anti-

prostitution agenda with anti-trafficking work was justified by a firm belief, taken as truth, that ‘ending the demand’ by making the sale of sex difficult was good for women in general. Furthermore, perhaps the sympathetic shift I was pinning my hopes on still reproduced distinctions between ‘bad’ and ‘good’ women, because only those women in prostitution who identified as victims were constructed as deserving of sympathy and credibility. Since women who sold sex were understood to be victims who were subjected to the violence, trauma, and emotional anguish that is imagined as unique to prostitution, it became easier to pathologise those who wished to remain in the sex trade as damaged, self-harming, and incapable of determining their own interests.

I also struggled to reconcile the anti-trafficking sector’s contrasting approaches to prostitution, which is seen as inherently oppressive, and other precarious and feminised types of work such as domestic work, which is regarded as decent and legitimate. The domestic worker, at least on the surface, conforms to traditional conceptions of femininity by engaging in care work in the private sphere. The sex worker disrupts some norms of femininity as she is usually a nocturnal figure, occupies public spaces, and has sex with strangers. Both are stereotypically poor and lack access to employment options and both have their embodied labour commodified, but only the sex worker’s sexuality is hypervisible. Both are vulnerable to abuses by recruiters and clients, perhaps in different ways but arguably not always. Of both, the sex worker is regarded as naturally more in danger and her work as more harmful to women in general. In fact, sex workers are sometimes encouraged by anti-trafficking organisations to become domestic workers instead. This comparison between the domestic worker and the sex worker haunted me during my time in the anti-trafficking space and I explore it further in the next chapters. I felt compelled to scrutinise how we conceived of women’s agency in oppressive situations. What makes the sale of sex different from other forms of labour, both in general and in the context of the Philippines? Showden (2012, pp. 16-17) suggests that when, despite evidence to the contrary, we assume that all sex workers experience sex acts as significantly tied to their identity and personhood and design public policies based on this assumption, we may be dismissing individual women’s knowledge of sex based on their own experiences of it. By focusing on the ‘sex’ part instead of the ‘work’ part, I wondered if we were reifying and reinscribing the very norm of ‘equating women’s essential selves with their sexual behavior’ that we were trying to disrupt by opposing prostitution.

The explanation for the different approaches to prostitution and other types of labour may lie in the distinction that is often made in anti-trafficking discourse between ‘sex’ and ‘labour’ trafficking. There are no credible estimates of the prevalence of trafficking in the Philippines, but the Philippine government has recorded 522 convictions for trafficking crimes with over 500 classified as sex trafficking, committed against 1229 individuals, most of whom were females, and 695 of whom were minors (IACAT Secretariat 2020, p. 31). Even if ‘on paper’, sex and labour trafficking seem equal, what is at stake in this distinction is that the law conveys specific social and political anxieties about sex – that it is a special category and that trafficking for sex is uniquely harmful (Peters 2013, p. 222). This distinction also leads to the diametrically opposed strategies in combatting trafficking: in other industries, the anti-trafficking sector focuses on strengthening labor standards and migrant rights to address abusive practices, but for the sex industry, the overall strategy is criminalisation and eradication, which denies sex workers rights as workers (Wijes 2015, p. 69).

In 2015, I was spurred to do my own research and learned about the Philippine Sex Workers Collective, a loose coalition of male, female, and trans sex workers around the Philippines, after I stumbled upon their Facebook page. The Collective’s individual members were publicly anonymous, but the Collective made clear pronouncements on their social media platforms denouncing the classification of sex workers as either victims or criminals and advocated for the full decriminalisation of sex work, therefore opposing the ‘end demand’ model being endorsed by the anti-trafficking sector. With the sale of sex being criminalised in the Philippines, there was no way for sex workers, even the Collective, to visibly organise, unionise, or formally advocate for themselves, nor did anti-trafficking organisations make a meaningful effort to engage with them. I reached out to the Collective because I wanted to learn more about their position on sex work. Even if they were initially suspicious of my motivations, our online conversations persisted, and they eventually met me in person, welcomed me as a volunteer in their organization, and encouraged me to interrogate the relationship between anti-trafficking and sex work in the Philippines further. I talk more about my relationship with the Collective in the next chapter.

Considering the implications of linguistic frames on the agency of the individuals they describe, I now only refer to individuals who sell sex as ‘women in prostitution’ or ‘trafficked persons’, when

this is a self-designated status or when discussing official data from anti-trafficking sources. I use the term ‘prostitute’ or ‘prostitution’ when it is the preferred term of particular groups, such as when I discuss anti-trafficking references to prostitution. I generally use the term ‘sex worker’ to describe individuals who sell sex unless I am able ask about their preferred term. As explained by Kempadoo and Doezema (1998, p. 3), this signifies that I do not think of prostitution as an identity but as a form of labour, and locate the individuals who engage in it as working people, who, just like other workers, are not necessarily defined by their work.

### **Research questions and scope**

In this research, I examine the dominant representations of prostitution in the Philippine anti-trafficking sector and situate these representations in broader academic and cultural conversations about prostitution in the Philippines. This is inextricably linked to another question I pursue in-depth: how is knowledge about prostitution made legible and politically legitimate? What truth claims are made by the anti-trafficking sector about prostitution, and what power hierarchies drive the production of these claims? I also reflect on the ways certain conceptions of prostitution not merely describe but also produce the ‘women in prostitution’ to which they refer, and position them in relation to the also-constructed identities of their ‘rescuers’. I interrogate whether these dominant representations of prostitution accurately capture the lived realities of most sex workers. One important contribution of this research is to foreground sex workers’ descriptions of their work and relationships with clients, third parties, and state actors, their self-perceptions, and their experiences of being subjected to common anti-trafficking interventions such as raids and rescue operations and rehabilitation. I argue that it is important to ask about sex workers’ ethical worlds, inter-subjectivity, and how they make sense of their experiences because discussions of the broader structural factors that regulate sex workers’ lives tend to present them as ‘devoid of psychological complexity’ and passive agents (Walkowitz 2016, p. 192). Dimensions such as ‘fantasy, narcissism, desire’ matter because sex workers possess more interiority than we often allow them based on how we speak and think of them (p. 192), which I argue in the next chapter is a form of denying them agency.

Regrettably, I was unable to engage with the full spectrum of Filipino sex workers in this research. I have chosen to focus on the paradigmatic examples of sex workers represented in anti-trafficking discourse, namely street workers and establishment-based workers, and some freelance sex workers whose clients are men from low to middle-income brackets, which allows for a clearer comparison between the assumptions of the anti-trafficking sector and the lived realities of the population they seek to protect. Despite the prominence of Western clients and sex tourism in anti-trafficking conversations in the Philippines, my interviewees worked in sites where the clients they encountered were predominantly local men. I am silent on high-end escorts, whose clients are wealthier, and whose modes of operating are arguably more secure but who are still not free of stigma and safety risks; or cam girls, some of whom reject the idea that they engage in prostitution, and who need to negotiate their working conditions and privacy concerns with digital platforms (Mathews 2017, p. 179). My interview respondents were primarily adult females. I have been unable to include male sex workers among my interviewees but will note that the phenomenon of male sex workers deserves significant scholarly attention. They are also arrested and subjected to police raids (Barcelon 2020), even as they are written out of most anti-trafficking policies and advocacy materials. Another limitation of my research is that even if a small number of my interviewees have engaged in sex work overseas while officially working as waitresses or domestic workers, I am unable to fully explore the question of Filipino migrant workers engaging in sex work overseas and how this is depicted in trafficking discourse; however, I draw on existing scholarship that speaks to this phenomenon in Chapter 3. It is important to recognize that sex work is a broad and diverse industry, which should already give pause to anyone who seeks to describe it in absolute and totalising terms.

I conceive of my work as serving a dual purpose. Firstly, it is a form of engagement with the anti-trafficking sector on their own terms, because my work is driven by a desire to investigate how common anti-trafficking interventions are experienced by sex workers, and if these interventions achieve the anti-trafficking sector's goals of empowering target populations and enhancing capacities for self-determination, as expressed by the PCW in their guidelines on the protection of trafficked women (2013, p. 6). In some ways, this is my attempt to partially address the policy evaluation gap in anti-trafficking programs and projects and to contribute to the conversation on developing rights-focused approaches to anti-trafficking. To this end, I draw on the approach of

organisations such as the Global Alliance Against Traffic in Women (GAATW, 2007), which looks at the unintended consequences of restrictive anti-trafficking interventions on the human rights and well-being of trafficking victims and other vulnerable groups. At the same time, I also wish to challenge the existing anti-trafficking discursive framework because I interrogate whether certain political possibilities and ways of being are foreclosed by exclusively defining women who sell sex as victims. How does this affect the priorities and strategies of the anti-trafficking sector? Are prosecution-based and criminal justice approaches equitable and effective? I also reflect on whether our collective moral imagination should be limited to recognising the virtue and social legitimacy of workers only by identifying them as victims, with suffering as their political currency (Brown 1993, pp. 403-406). Is an alternative world possible, where we move beyond the fixed political category of ‘victim’ when thinking about women who sell sex, and what might that world look like, both for sex workers and the anti-trafficking industry?

Throughout the succeeding chapters, I employ a multi-disciplinary approach and engage with several conversations in feminist scholarship, anthropology, criminology, and critical policy studies to explore ideas of agency and victimhood in sex work, neoliberal governmentality, the gendered nature of markets, gender and nationalism, and debates about humanitarianism, paternalism, and the practice of development.

## Dissertation outline

Chapter 2 retraces my methodological journey throughout the research process. Here, I situate my work as a response to the epistemic injustice done to sex workers in processes of knowledge production and policymaking. The feminist methodologies and critical discourse theories that informed my research design and data analysis are also explained. I reflect on my attempts to regard sex workers as my research partners and as authoritative knowers while also giving myself space to recognise the processes of subjectivisation that they (and I) are implicated in. I discuss how I navigated various ethical challenges around gaining access to the private and intimate lives of members of a stigmatised community and theorising about their experiences in a way that is not extractive or exploitative.

When I began planning this project in 2015, I did not anticipate the election of Rodrigo Duterte as president of the Philippines in 2016. He ran as a surprise candidate, on a platform of replacing reformist political elites and eradicating crime, which translated into a violent war on drugs. This has had significant implications on the relationship between sex workers and the police, and their willingness to participate in research, and I briefly discuss this. These emerging realities are immensely relevant when thinking about the safety of sex workers who participate in research and in designing policies that affect sex workers.

Chapter 3 looks at the truth claims made about prostitution by anti-trafficking authorities in the Philippines by examining recent legal history and training and advocacy materials and strategies. This is situated in broader conversations about prostitution that are informed by the Philippines' colonial history and Catholic heritage, and the priorities of the women's movement(s). This chapter also scrutinises the Philippine anti-trafficking eco-system and the cultural, financial, and political incentives of the different authorities in this sector, which sheds light on how knowledge about prostitution is produced. I track the discursive maneuvers and procedures by which claims about sex work and the rescue approach are depoliticised, professionalised and reified by drawing on Ferguson's (1994, p. 256) conception of how 'experts' and bureaucracies contribute to an anti-politics machine, or a system where actual political decisions are framed as technical solutions to technical problems. I also look at how the construction of sex workers as victims provides a justification for restrictive and regulatory practices that deny them full standing as citizens.

Chapter 4 present sex workers' interview responses and my own critical engagement with them. The themes discussed include their working conditions, motivations for engaging in sex work, family relationships, and interactions with clients, managers, and the police. Where possible, I juxtapose sex workers' own stories against the dominant representations of their work in anti-trafficking. For example, engaging in sex work was a careful and considered decision by my interviewees, instead of one that was a product of force or deception. Their relationships with clients and third parties were far more complex than the 'victim versus abuser' narrative in anti-trafficking discourse. The stories I discuss demonstrate the need to move beyond the traditional dichotomy of freedom and slavery and reflect on alternative frameworks for assessing agency in oppressive contexts. This chapter essentially lays the empirical groundwork for the next chapter.



Chapter 5 presents my reflections on agency and ethics in sex work, where I draw on my interview data to engage in a conversation with other scholars who have theorised about agency and resistance in oppressive situations. These include Sumi Madhok, who argues that the ‘action’ bias in conversations about agency neglects many other indicators of agency such as individuals’ speech acts, desires, and reflections; and Carissa Showden, who recognises that sex workers are embedded in a world where there are cultural norms of good womanhood and juridical and social meanings attached to sex, but that these can be at least partially reconfigured in sex work. I critique arguments against prostitution presented by the anti-trafficking authorities in the Philippines and some feminist scholars such as those discussed earlier in this chapter. I also make the case for a rigorous discussion on women’s agency in prostitution that accounts for the harms of full or partial criminalisation and suggest that it is possible that the anti-trafficking sector’s operating assumption that sex workers lack agency may lead to interventions that further deny them agency, for which Chapter 6 is a useful illustration.

Chapter 6 is an examination of the rehabilitation process, as experienced by sex workers and victims of trafficking that I have interviewed. I draw on their experiences of being reconstituted from ‘victims’ to ‘survivors’, the violence involved in transacting with their rescuers for survival, and their reintegration into society as ‘empowered women’. I also probe the ideological projects behind rescue and rehabilitation strategies, such as the regulation of women’s sexuality and the creation of ‘moral’ subjects within an essentially neoliberal order that requires poor women to practice responsible citizenship and motherhood by engaging in low-paid, labour-intensive morally acceptable alternatives to prostitution, such as domestic work, factory work, and small-scale entrepreneurship.

Chapter 7 argues for a repositioning of sex work as an issue of labour and social justice instead of as a criminal activity. I draw on Nancy Fraser’s theory of justice to argue for increased political agency for sex workers. I also distill key recommendations from decriminalisation and legalisation models that are being implemented in other countries and contrast this with the ‘end demand’ model to compare their potential for mitigating harms and increasing sex workers’ control over their working conditions and sexuality.

## Chapter 2: Methodology

In this chapter, I retrace my methodological journey in this research, for which I chose to use conversations, correspondence, and semi-structured informal interviews with sex workers in Metro Manila as the primary data collection method. I also outline my method for evaluating how anti-trafficking discourse constructs and represents sex workers based on the statements and interventions of key state agencies and nonprofit organisations and my interviews with anti-trafficking officials. My findings are discussed in succeeding chapters. I did not think it was possible to assume the role of an objective observer who would be able to fully distance myself from research subjects, deliver questions without influencing participants, and access participants' perspectives in a neutral and singularly correct way. Instead, I employed feminist methodologies, and viewed myself as a researcher with a personal history and specific desires and interests whose 'social and institutional situatedness shapes the results of my analysis' (Varga-Dobai 2012, p. 4).

While undertaking this research, I have found that the truth claims made about sex trafficking reflect the worldviews of various authorities who exist in a specific set of political, ideological, and financial relations with each other. The exclusion of sex workers from important conversations that construct them as victims and result in policies that are aimed at 'ending the demand' for prostitution, is a form of epistemic injustice. Fricker's (2007) conceptions of testimonial injustice and hermeneutical injustice aptly describe the silencing of sex workers in anti-trafficking discourse in the Philippines. Testimonial injustice is prejudice that causes one to give a deflated level of credibility to a speaker's word based on their identity (p. 17). In this form of injustice, someone is wronged specifically in her capacity as a knower (p. 149). Sex work in the Philippines is still criminalised, which has made it almost impossible for sex workers to publicly advocate for themselves because they face harassment and arrest. At the same time, they are also designated by the PCW (n.d.) as having been deceived or forced into prostitution 'until such time when [they] start believing that there is no other life for them outside of prostitution', which devalues the testimony of individuals who choose to engage in prostitution, even before they have spoken. Hermeneutical injustice is 'the injustice of having some significant area of one's social experience obscured from collective understanding' because of a lack of access to social resources to make sense of one's own experiences (p. 154). Many street workers and establishment-based sex

workers are main providers and carers for their children and families, and the immediacy of these obligations may preclude sustained forms of political activism. Most sex workers in the Philippines are not overtly political in pushing for sex worker rights. Members of the Collective have noted that most sex workers rarely describe their work using the vocabulary of human rights, legal instruments, social justice, or gender equality, but this does not mean that they identify as ‘trafficking victims’. Well-organised and well-funded anti-trafficking groups certainly have a significant advantage in structuring collective social understandings about prostitution and victimhood.

### **Note on language**

‘Sex worker’ is the default term in my work, because my starting point was that self-identified sex workers exist in the Philippines (at the very least, within the Collective) and that they have been excluded from anti-trafficking policymaking. Therefore, it was important to choose terminology that reflected the possibility of the legitimacy of labour in sex work (Levy, 2015, p. 26). I also assessed ‘sex worker’ to be a better alternative to terms that were pejorative or inherently undermining of agency, such as ‘prostituted women’ or ‘women in prostitution’, or ‘selling oneself’. However, as I was investigating the question of agency in my research, I wanted to represent my interviewees as closely as possible to their self-identifications. I remained open to the possibility that my interviewees may not view themselves as exercising agency, nor sex work as work. Furthermore, as Levy (p. 27) observes about Sweden, the term ‘sex work’ is conspicuously absent from official Philippine discourse on anti-trafficking and women’s rights. It is also not a commonly used term in public discourse. My interviews were conducted primarily in Filipino, which is a language my interviewees and I speak fluently, and for which there is no equivalent translation for the term ‘sex worker’, and there are only derogatory terms for prostitution. To resolve this dilemma, I asked each one for their preferred terminology, making clear that I was not reducing them to a single identity, and that I just wanted to be sure that I described them as accurately as possible in the context of my research. Some of them were already familiar with the English term ‘sex worker’ before I mentioned it, and they stated it as their preferred term. I did not get straightforward answers from others, and with them my question led to a longer conversation about self-identification. Some responded by saying that they know

society referred to them with derogatory terms such as *pokpok* (a slur for women who sell sex that derives from a term which means to pound an object with a hammer), *puta*, '*babaeng mababa ang lipad*' ('fallen woman'), *Magdalena* (after Mary Magdalene in the bible), *masamang babae* ('bad woman'), *maduming babae* ('dirty woman'), *cancer sa lipunan* ('social cancer'), and *burikat* (a vulgar slur in Bisaya for women of 'loose morals' who dress 'indecently' and wear excessive make-up). To this I responded by saying that I rejected the vulgar language that had been used to described them and would not be using it to refer to anyone during our interviews. I assessed that this was consistent with my ethical obligations as a researcher to not directly or indirectly participate in the dehumanisation of research participants

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All of them described what they were doing as *naghahanapbuhay* (making a living) or *trabaho* (work) to describe what they did. It is quite telling that their default description was 'work', without an explicit mention of sex. When I probed further and asked them to describe what it is this 'work' consisted of, many described it as *nagtitinda ng ligaya*, (selling joy) or *nagtitinda ng sex* (selling sex), which are notably distinct from the common anti-trafficking trope of 'selling bodies'. Ultimately, 'making a living' was a central tenet of how all but four of them described themselves, and was also their instinctive response. While this is not directly equivalent to the language of 'sex worker' as it is used by more overtly political sex workers, I assessed this to be the best approximation of a term that captured their emphasis on labour. Four of my interviewees identified as victims of trafficking, and this is how I refer to them in the rest of the dissertation. Additionally, along the lines of Levy's (2015, p. 27) work, I use the term 'prostitution' to discuss 'what has been constructed (by the anti-trafficking sector) as a phenomenon to be abolished'.

## **Methodological and ethical challenges**

Having established that my research was focused on creating space for sex workers as knowledge sources, my challenges, then, were manifold: What does it mean to view sex workers, and especially the Collective, as partners in knowledge production? What does it mean to regard my interviewees as authoritative knowers? While displaying a conscious partiality (Mies 1983, p. 122) towards them, how do I also preserve space for critical and academic reflection? How can I reflect

on their words in a way that recognised that they, too, were subjects produced by the discourses I was critiquing? How do I secure access to the sex worker community, gain trust, and inquire about their life experiences, as truthfully and ethically as possible? What are the implications of working with specific gatekeepers and how do I mitigate against these limitations to ensure a pluralism of sex worker voices? How do I account for my own subject position and how this might affect my interactions with interviewees and my engagement with the broader questions of anti-trafficking and sex work? I tried to be reflexive about my own background in the Philippine anti-trafficking sector, my class position in Philippine society, and my role as a gender studies researcher in a Western university, and how it may have shaped my relationship with my interviewees, their self-presentations to me, and my ability to understand and represent their stories. As someone who has never sold sex, my ability to grasp the lived realities of my respondents, especially the stigma they faced, was limited. Ultimately, I was not under any illusion that interviews gave me access to some immutable, absolute inner truth held by sex workers. I recognise the inevitably partial, provisional, and mediated nature of what my interviewees have chosen to tell me, the limitations of my data collection methods, and any representations I make about the lived realities of my interviewees. As McRobbie (1982, p. 51) states, ‘representations are interpretations’, which made it important to think very carefully about my relationship with my interviewees.

I also recognised that sex workers do not live in isolation from the public and policy discourses about them. My assumption was that sex workers’ subjectivities are partially constructed by how they are thought of and spoken about by the rest of society. Thus, while I compared sex workers’ retelling of their lived realities with the anti-trafficking sectors’ portrayal of them, I was also paying attention to how dominant representations of sex workers and policies on sex work ‘produced’ the sex workers who were sharing their stories with me. It was important to account for how stigma and norms of sexual morality in some ways constructed my interviewees because I was not ‘making sense of sex work’ as much as making sense of how the sex workers I spoke to made sense of their world and conveyed it to me. I took my cues from the members of the Collective. One of them, ‘Tex’, identified the need to critically assess sex workers’ self-representations, especially when they speak to outsiders, such as journalists or researchers they do not fully trust. When I met the leaders of the Collective in person for the second time, Tex said to me:

“In a world where selling sex is seen as dirty and immoral – what do you expect us to say when we are asked about our work? Who will really admit to you that some of us enjoy it? We know what they want to hear from us... many of us will just tell them what they want to hear. It’s easier to say we desperately need that money to feed our families, or that we were tricked into this, than to admit that this is convenient and it involves less work. We are tired of judgment and many of us will avoid it if we can.” (September 11, 2016).

Another one said that it was not uncommon for researchers from non-profit organisations to interview bar-based sex workers with police escorts in tow. “What we are doing is a crime and they have policemen along with them while asking us all these questions – did they expect us to say we chose this job? What if those guys come back for us?”. Indeed, over a year later, when I was conducting interviews officially as a PhD student, some of my interviewees who were not affiliated with the Collective revealed that they had initially suspected that I was working with the police and hesitated before getting in touch. At the end of another group session, my interviewees remarked on how uplifting it was to have a space to discuss their troubles freely. Faith said:

“I expected you to be just like all the other researchers who asked us a few questions and then disappeared. I did not expect that you would listen to our stories about our clients and our boyfriends or even ... that you would ask about what we want from society. No one has asked us this question. It feels good to know someone cared enough to ask.”<sup>6</sup>

Sex work researchers have documented the possibility that respondents from hidden and stigmatised populations can easily ‘tell you what they think you want to hear’, especially if they have concerns about privacy, confidentiality, and social judgment by the researcher (Shaver, 2005, p. 297). Further, if respondents know that health care services or avoiding arrest depends on presenting convincingly as victims, they could tell sad stories (Agustin 2004, p. 2). My challenge was to build trust and address fears of judgment or fears for their safety, and to be open to responses that were messy, potentially contradictory, and reflecting multiple subjectivities. For example, some of them spoke more towards the latter half of the interviews and only then volunteered more

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<sup>6</sup> Interview with Faith (not her real name) and other sex workers on June 1, 2018.

stories and reflections and elaborated on their answers to earlier questions. When this happened, I chose to abandon my interview structure and allow for more free-flowing, even circuitous, conversation. It was very likely that some of them were more guarded and wary of judgment early in the interviews but felt more comfortable towards the end, or, for some, in our second or third meetings.

In the succeeding paragraphs, I elaborate on my relationship with the Collective, my data collection methods and attempts to create a safe and non-judgmental space for conversation with my interviewees, and how I made sense of my data. For every section, I attempt to make visible the methodological challenges I faced and how I chose to address them. I also discuss my attempts at reflexivity, especially in relation to the processes of understanding and representing the narratives of sex workers, my own subject position and theirs, and ‘the structures of power I inevitably participate in’ by conducting this research (Agustin, 2005, p. 627).

### **Research relationship with the Collective**

When I reached out to the Collective through their Facebook page in 2015, I was working as a policy director for a leading nonprofit anti-trafficking organisation in the Philippines which had a seat in IACAT. Tex, one of the Collective's founders, responded with skepticism and reminded me about the police raids on commercial sex establishments and the outing of sex workers in news media, especially in the period following the enactment of the Anti-Trafficking Law in 2003. They wanted to know how I reconciled my anti-trafficking work with a belief in the agency of sex workers. They assured me that they agreed that women who are in sex work but wished to leave should have access to meaningful alternatives. However, they believed that the criminalisation of sex work, or even of buying sex, was a form of injustice against sex workers and their families who depend on this form of work. I explained that as a researcher, I could be persuaded by evidence and would like to speak more closely to the members of the Collective precisely because they had been excluded from important conversations. At this point, Tex, on behalf of the organisation, said in their response that they ‘do not trust academics’. They had encountered researchers and academics in the past who ‘mined’ them for data, profited professionally, and then disappeared on

them. Why should researchers be able to advance their careers on the backs of sex workers' knowledge and experiences of suffering, they asked in a Facebook message to me on August 10, 2015. This question is increasingly being acknowledged by academics who do research on sex work (O'Neill 1996, p. 132; Sanders, 2006, p. 463). They were also concerned about intellectual accountability: In another message, sent on August 11, 2015, Text elaborated, "After we trusted them, many of these researchers distorted our reality, especially our stories about clients and pimps, to fit preconceived notions about prostitution, usually the victim narrative that is popular in the anti-trafficking sector and what's worse is they take platforms that belong to us and speak for us" (see also Jeffreys 2010, for similar observations). Former researchers had provided identifying information in their publications, thereby exposing members of the Collective to arrest or social exposure. Despite their initial hesitation, Tex declared that they as a group were willing to keep talking to me about sex work in the Philippines: "We would be happy to grant your request but we are careful not to have this construed as a benevolent action on your part to help or aid us - we don't need saving," they wrote to me, on August 26, 2015. I acknowledged their concerns and made clear that I, too, did not want an extractive research relationship with them. I began working more closely with them on a voluntary basis, for example on grant applications and media engagements and I resigned from my anti-trafficking job. I met Tex and five other members in person in August 2016, a year after my first message to them. After several meetings and a three-part video interview I conducted with them for an online platform,<sup>7</sup> I formally began my PhD research on the impact of anti-trafficking interventions on sex workers.

I was upfront with the Collective about the type of research relationship I wanted to build, the spaces for collaboration, and the challenges I wished to address: I gave them full access to my PhD research proposal, which outlined my research process. I also consulted them on my semi-structured interview questions, and conducted pilot interviews with them and their partners, which allowed me to test and refine my questions. I sought their insights on how to secure informed and meaningful consent from my interviewees, how to manage distress that may arise during interviews, and other ethical questions including compensation for interviewees and how to ensure

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<sup>7</sup> The Collective and I were invited to conduct a three-part interview by PAMPUBLIKO, a local magazine. (PAMPUBLIKO Interview with Sex Workers Collective - Part 1 of 3, 2016, <https://www.youtube.com/watch?v=8JorpDSTcw4>).



their safety. I incorporated their feedback on the participant information sheet and consent form I used for my interviews. There were issues that could potentially arise from having the Collective as a gatekeeper that I addressed with them early on, before I began my fieldwork. The first was that they may review major claims made in my dissertation and provide suggestions; nonetheless, I may still uphold my interpretations. The second was that while they helped me recruit interview participants, I also wished to engage with sex workers who were not affiliated with the Collective to ensure that I was not disproportionately representing a potentially politicised segment of the sex worker population in my interviews. In the end, more than two-thirds of my interviewees had no affiliation with the Collective nor had heard of them until they received the call for interviewees. I reflect on the differences between the interview responses of Collective members and non-members in the next chapter, but I would caution against over-reading into these differences. The third was that I would still interview members of the police and anti-trafficking sector, but I was committed to protecting the privacy and security of the sex workers I interviewed. While initially suspicious of my previous ties to the anti-trafficking sector, the members of the Collective were sufficiently persuaded that these interactions with the anti-trafficking sector were necessary. They brought up the importance of protecting sex workers' identities and reminded me that when some of them had attended town hall consultations in the past where they disclosed their work, they were harassed by the police in the days that followed. When I was eventually asked by my interviewees from the government about my data collection methods, I did not name specific individuals but disclosed that I had been speaking broadly to the Collective, who had consented to this level of disclosure. However, when it became clear in mid-2017 that President Duterte's war on drugs had massively increased police powers and the police's ability to surveil and abuse sex workers I stopped reaching out to the police for interviews because the safety and comfort of sex workers superseded any information I might have gained from those potential interviews.

As Lowthers, et. al. (2017, p. 3) note, sex work researchers who do not have a background in sex work constantly negotiate how to produce research that is valuable both in academia and in the sex worker community. Following the common suggestion in feminist scholarship to make the knowledge produced through academic research 'applicable to the worlds that women live in' (DeVault and Gross, 2012, p. 228), I committed to providing the Collective and other interested sex workers and their allies a version of my work in English and Filipino that will be accessible to

a non-academic audience and to allowing them to use my research findings for advocacy campaigns on sex worker safety and rights, with a promise that my arguments are represented correctly. I also committed to assisting them, where I could, in raising funds for their programs and projects. I am aware that the Collective hopes for my ongoing engagement with this issue even after my research is formally concluded, and I have committed to providing editorial support for a forthcoming open-access creative anthology of sex workers' stories in the Philippines and setting up university speaking tours and media opportunities for sex workers to engage in advocacy. This, I assessed, was a fair 'research bargain', along the lines prescribed by Hubbard (1999, p. 231) for researchers who use intensive, action-oriented, conversational research methodologies 'provide a voice' to sex workers'. Under the 'research bargain', researchers must begin from a belief that health and safety risks to sex workers should be minimised and commit to producing knowledge that may reduce stigma surrounding sex work.

### **Data collection methods and perspective**

In this section, I discuss my data collection methods, especially the semi-structured interview, and how my use of these methods was informed by feminist theorising.

In-depth semi-structured interviews were my main method of data collection for street workers and establishment-based sex workers who were not members of the Collective. I conducted these interviews primarily in Filipino. For members of the Collective, I engaged in regular conversations through online correspondence and personal meetings. I focused on street workers and establishment-based workers because they are often characterised as most vulnerable within the sex work hierarchy (Weitzer 2009, p. 218). They are more publicly visible and experience a higher risk of exploitation by third parties such as managers and the police. They usually earn less than escorts or call girls, whose clientele are wealthier, and who are likely to be more educated and possess greater social capital. On their Facebook page, the Collective said:

'The sex worker community is a microcosm of the larger society. There exists a class divide. The dynamics between the classes is no different. The 'Prada class' looks down on those in the lower rung of the ladder. Public perception of each class is also poles apart. The public is very mean to the 'never-seen-nor-heard-of-Prada class'. The Prada ignoramus

are forced to live their lives in anonymity to avoid the vitriol of public stigma. The ‘Prada class’ on the other hand, could go on TV and talk of the succession of wealthy men in their lives and the public would just love it. F..k!’ (October 23, 2019).

I also sought to interview women who were placed in anti-trafficking shelters, both those who identified as trafficking victims and those who did not. This is because rescues, rehabilitation, and shelters are core interventions by the anti-trafficking sector to address sex trafficking, and I was curious about the nature of the pastoral care and assistance extended to sex workers and sex trafficking victims throughout these processes, and how they perceived these interventions.

I relied on contacts in the anti-trafficking sector to set up interviews with officials in government agencies, nonprofits, and international organisations who had anti-trafficking within their remit. My interviews with them were conducted in a mix of English and Filipino. From 2016 to 2020, I looked at the relationships between key players in the anti-trafficking sector, publicly available funding contracts for anti-trafficking grants in the Philippines, attendance sheets for organisations represented during anti-trafficking policy consultations, and the laws, policies, advocacy materials, and proposed legislation sponsored and endorsed by this sector. I paid close attention to how sex workers were represented. I also reviewed official trafficking prosecution and conviction statistics, as well as victim and perpetrator demographic profiles. Unfortunately, my requests for data on prostitution arrests from the police went unanswered, but there is some media coverage of anti-trafficking raids on ‘prostitution hotspots’ that I include in my corpus of anti-trafficking texts. Later in this chapter, I discuss the critical discourse analysis approach I took towards anti-trafficking discourses and my interviews.

Throughout June 2017 until July 2018, when I was ‘on the field’, I kept a diary and wrote down notes right after every interview or after attending anti-trafficking consultations. These notes were written in a relaxed and free-flowing style, and contained both analysis and description, including ‘asides’ such as my personal reactions and impressions and connections to related texts or ideas (Emerson, et. al., 1995). On some days, I would record myself reflecting on the events of the day. I revisited these notes prior to new interviews. I conceived of data collection and data analysis as an iterative process. I was simultaneously thinking through the data I had and improving my data collection processes. For example, I did not intend on asking my interviewees to imagine how they

would redesign government policies on sex work if they had the power to decide. My first interviewee said, '*since libre naman ang mangarap, eto sana yung gawin nila*' (since I can dream for free, I wish they would do the following things instead...). Based on this, I chose to incorporate the 'wish list' question in future interviews. In my notes, I also acknowledged the instances in which I felt angry and helpless, especially after hearing sex workers' stories of police violence. Tracking my own emotions helped me build a sense of self-possession in preparation for my interviews and during the writing process.

### *Semi-structured interviews and issues in building the interview guide*

A semi-structured interview is conducted with an interview guide, or a list of written questions that should be covered during the interview. The order in which these questions are addressed during the interview is not of primary importance and the interviewer may ask new questions or follow-up questions depending on the responses from interviewees. The interviewer has some control over how the interview is conducted and has an 'agenda' in terms of 'getting data' on specific questions, but is open to each interview taking on a different direction. Interviewers may purposefully steer the interview to specific topics, but usually in a way that does not disrupt the flow of the conversation (Hesse-Biber 2006, pp. 115-116).

I decided on in-depth semi-structured interviews because I had a sense of the specific issues I wanted to address in the interviews and needed some degree of influence over the content of the interviews. I also preferred a guided conversation with interviewees because I could not demand too much of their time as I was not offering any compensation for interview participation beyond meals and transportation reimbursement. On average, an interview with a group of three or four interviewees lasted five to six hours. I saw a few of them for a second session of about two to three hours. I was looking at the meanings sex workers attributed to their social situation, which required a format that allowed interviewees to respond to questions in their own words and that provided space for a discussion of issues beyond those selected by myself and the Collective. These types of fine-grained responses were made possible by semi-structured interviews.

I decided to let my interviewees choose their preferred interview arrangements. Most of them opted for group interviews and a few chose individual interviews. Individual interviews had the potential to magnify my power as a researcher during the interview or intimidate some prospective interviewees, but they guaranteed interviewees' privacy. I initially worried that group interviews would lead to self-censorship by individual participants or groupthink. However, group interviews are regarded as a useful feminist method, because they minimise the researcher's power in relation to participants, and they also generate interactive and in-depth data (Wilkinson 1998, p. 14). In the next chapters I discuss how group interviews provided a setting for my participants to ask each other questions, support each other, and even tease and disagree with each other during the interviews, which meant that they were more actively shaping the interview direction and my research process. Group interviews may also be an opportunity for consciousness-raising (Montell, 1999, p. 52-54). I did not view this in the traditional sense of myself as a researcher 'educating them about their rights', but as them interacting with each other as peers, in a context where the illegal and stigmatised nature of their work made it difficult for them to ordinarily be able to construct meaning around their work and speak about it freely. Some of my interviewees who only met during the interviews have become friends and have stayed in touch with each other since. Many who were not previously members of the Collective reached out to the Collective after the interviews and some of them have joined the Collective. As a researcher, I was less self-conscious about imposing meanings, and in some ways felt more 'helped' by my interviewees, in a group interview setting. Some questions did not apply to all participants, such as the experience of being placed in a rehabilitation shelter, but everyone answered all the questions that applied to them.

I received significant input from members of the Collective in constructing my 'interview guide' (Appendix C). We began by outlining broad topic areas that were important in answering the research questions, after which we constructed specific interview questions (Weiss, 1994, p. 48). We drew on monitoring and evaluation tools prescribed by rights organisations, the PCW, and some anti-trafficking organisations, such as GAATW. I recognise that on one hand, this research takes a critical perspective on anti-trafficking in the Philippines, but on the other hand, still uses some of the tools developed and adopted by anti-trafficking organisations to assess the effects of their interventions on victims and potential victims. While some members of the Collective saw anti-trafficking work and sex work advocacy as mutually exclusive and irreconcilable based on

how they are practiced in the Philippines, they accepted my suggestion that there is an increasing awareness within some sections of the anti-trafficking community about the need for accountability to sex workers, and that this trend was worth encouraging through the development and application of qualitative and critical metrics such as those foregrounded in my interviews. I explained that I viewed this project as a form of critical intervention that helps reshape understandings about which groups have legitimate claims to accountability from anti-trafficking organisations. For example, the PCW (2013) released guidelines on the protection of trafficked women, which emphasise the importance of upholding their self-determination, right to information, confidentiality and privacy, and empowerment. These guidelines were not intended for sex workers when drafted and in some parts still deploy paternalistic language in describing trafficking victims. However, my research refits and applies some of these guidelines to construct questions targeted at sex workers, which signals a demand to institutions to consider the lived realities of this community. With these questions, we were making the case to the anti-trafficking sector that people who have experienced stigma are in an authoritative position to analyse and understand their experiences and that feminist social work must be informed by the target individuals and their understanding of their experience.

I ran pilot tests of the interview questions with members of the Collective and their friends who were not heavily involved in drafting the questions and received valuable advice from them. For example, they told me to phrase questions in such a way that individuals who were hesitant to acknowledge and share an experience or a feeling were given space to do so without having to confront it directly. I rephrased many of my questions to ask about whether my interviewees, or their friends, or a sex worker they knew, had gone through certain experiences. Indeed, in some cases, such as when asked about abuse by members of the police force or an intimate partner, interviewees began by referencing the experience of a friend and then shared later in the interview that they had a similar experience. Tex also cautioned against asking questions that forced interviewees to directly ‘own’ their decision to sell sex, such as ‘Do you enjoy your work?’, for which it would be difficult for a member of a stigmatised community to provide an honest answer to an external researcher. I was advised to use a more tentative formulation of the question such as, ‘Is there anything you like or dislike about selling sex?’ and to ask questions of this nature much later into the interview, after having established a safe and non-judgmental atmosphere.

Another question that is apparently regularly asked of sex workers by researchers affiliated with anti-sex work organisations is, ‘Did you dream of being a sex worker when you were a young girl?’, which some members of the Collective found irrelevant and patronising, in that it is rarely posed to other precarious workers who are considered deserving of labour rights. Hawksbee also describes this question as a “trick question that exploits stigma to put the target in a corner: if they say yes, then they’re made to sound immoral, immodest, or damaged, whereas if they say no then the job is made to sound less legitimate” and as one that is often used to “paint the target of the question in a poor light and changes the discursive and imaginative focus of the conversation from rights and stigma to topics that distract from these” (personal conversation, January 20, 2020).

In terms of key informant elite interviews, I ran my questions by former colleagues who were well-versed in policy discussions on sex trafficking. I conducted in-depth interviews with officials from the National Bureau of Investigation, the United States Embassy in the Philippines, International Organization on Migration, Visayan Forum Foundation (VFF), and the Department of Social Welfare and Development (DSWD). Other interviewees from nonprofits have asked me to anonymise the names of their organisations. I was upfront with them about the objectives of my research. Some opted to have their answers anonymised, and many declined to answer some questions or did not provide direct answers to some questions. I was unfortunately unable to meet anyone from the PCW, but they sent through a brief note on their efforts in relation to prostitution, which I will discuss in later chapters. When I worked in the anti-trafficking sector, I was privy to occasional discussions with law enforcement on raids and rescue operations, which illuminated how murky and subjective these procedures can be. For my interviews with anti-trafficking authorities, including law enforcement, I asked about how victim identification worked and the criteria legal task forces used to conduct raids and rescues. I also asked about what happened to those rescued who did not identify as victims, and how sex workers’ autonomy, privacy, and security were negotiated during anti-trafficking interventions.

## **Recruiting interviewees**

There is no public roster of sex workers or potential trafficking victims in the Philippines and

public identification as a sex worker is potentially threatening. It is impossible to identify the boundaries of this ‘hidden population’ and to construct a representative sampling frame (Heckathorn and Cameron 2017, p. 102). It was not an option to directly approach individuals on streets or in bars because this required me to presume that they engaged in sex work and declare this assumption to them, which may have caused distress or offense. For these reasons, I opted to use a combination of key-informant sampling and chain-referral sampling methods. I sought the assistance of members of the Collective to promote my call for interviewees in Filipino, which contained my contact details, and indicated my commitment to cover interviewees’ travel costs to the venue (roughly 6 USD) and their meal, and my willingness to make accommodations if travel is difficult for them or if they need to bring children along. Recognising that their role in participant selection may unintentionally exclude certain participants, the members of the Collective circulated my call for interviews among their members and asked them to share the request with fellow sex workers who were not affiliated with the Collective. They gave copies of my call to street and establishment-based sex workers across Metro Manila. Interested interviewees were asked to get in touch with me in a way they felt was safe, for example through my mobile phone, email, Facebook, WhatsApp, Viber, Twitter, or through the Collective members themselves. Once I had interviewed someone, I also asked them to circulate my call among their networks. Only female respondents reached out to me. It is likely that my call for prospective interviewees was circulated largely among female sex workers. I did not contact prospective interviewees directly (beyond the members of the Collective I had met) and waited until they first reached out to me.

One development the Collective and I were unable to foresee in our conversations in 2016 and early 2017 was the impact of (then) newly elected President Rodrigo Duterte’s violent war on drugs on the relationship between sex workers and the police. I elaborate on this in the next chapters, but the increased surveillance and extrajudicial powers of the police had deepened sex workers’ wariness of outsiders doing research on sex work. This made it harder to recruit interviewees and validated my initial decision to work through a low-profile gatekeeper organisation that was made up of sex workers, as they were more effective in helping me gain the trust of their peers, potentially more so than if I had worked through state agencies, or even progressive HIV + or drug rehabilitation organisations.



Between June 2017 and June 2018, I had interviewed a combined total of forty adult street workers and establishment-based sex workers, six of whom were rescued from prostitution and placed in shelters but did not identify as trafficking victims. They were all directly or indirectly affected by state anti-trafficking interventions such as raids and rescue operations. All interviews took place in Metro Manila. I conducted interviews in five cities: Manila, Makati, Pasay, Paranaque, and Quezon City, which are all identified as ‘anti-trafficking hotspots’ and common sites of raids and rescue operations, as validated by the Collective. The interview participants had been residing in Metro Manila and neighbouring provinces for at least three years at the time of the interview. Nineteen were originally from outside Metro Manila, ten of whom were from more distant cities such as Bicol, Leyte, Samar, and Davao, and nine from cities closer to Manila and accessible by short land trips such as Batangas, La Union, and Laguna. My interviewees were between eighteen to fifty-nine years old. All of them were engaged in sex work at the time of the interview, but with varying levels of frequency and regularity. They engaged in a wide range of sex acts with customers depending on the price – intimate massages, ‘hand jobs’, oral sex, vaginal sex, and for a few of them, anal sex. Thirty of them were street-based during the interview, eight of whom previously worked in bars and clubs but chose to leave these establishments mostly because they got pregnant, or they were uncomfortable with dancing on stage and drinking too much alcohol. Six were based in bars and one worked for a massage parlour, but they also entertained clients outside work hours. Four used online private messaging platforms such as WhatsApp and their network of friends to meet clients. They did not have an online profile or advertisements. For most of my interviewees, sex work was discontinuous and they tried other forms of work during intervals. Several of the older women mostly engaged in ‘managing’ younger women and finding and screening clients for them. Occasionally, they, too, would entertain clients.

I recognise that the women I interviewed were in a position where they could be reached by other sex workers who were helping me recruit interviewees. They also were willing and able to participate in interviews. It is possible that I have not had access to, should they exist, individuals in situations of bondage, or those trapped in brothels and whose movements are controlled by third parties (Eviota 1992, p. 137) which is how sex workers are commonly depicted by the anti-trafficking sector. While ‘the places where real danger and real gangsters can be found will probably not be visible to or approachable by social researchers’ (Agustin, 2005, p. 626), the

women I spoke to represent a significant demographic of sex workers who are semi-visible, and are either self-directing or have chosen to work with third parties and managers, but ultimately exercise control over their personal and working lives. These women are all classified under the unified political category of ‘victims’ in the proposed anti-prostitution legislation endorsed by IACAT.

In addition to sex workers, I also interviewed four self-identified women victims of trafficking who were rescued and placed in shelters, and I will discuss their stories in the later chapter on rehabilitation. I initially intended to interview more trafficking victims who were in shelters and circulated a call for interviewees through my contacts who were social workers for accredited anti-trafficking shelters. However, I was told by some of the women being sheltered that they were actively discouraged from participating in my research by the officials of the nonprofit organisations running their shelters. Despite this, they reached out to me to offer to be interviewed. However, I was concerned about indirectly contributing to a situation where they may experience repercussions in their shelters from speaking to me, and I made the decision to cancel the remaining interviews. All the ten women who were sheltered whom I interviewed had been discharged or escaped from their shelters at least a year or more before the dates of our interviews.

### **Securing consent**

I recognised that potential interviewees were taking on some risk by participating in the interview and that some may have done so out of social isolation and a desire to be able to discuss their work with someone (McRobbie 1982, p. 57). I was aware of the professional benefits of this research for myself, but less clear about the benefits to my participants. My best attempt to negotiate these power asymmetries was to declare my research goals upfront.

Once potential interviewees reached out, I provided them a more detailed overview of my work and the nature of the questions I would be asking. I explained my interest in their experiences of raids and rescue operations. I also provided them with the option of having a member of the Collective or a friend or family member present during the interview. I made clear their right to decline to participate, or to participate but refuse to answer some questions, or to withdraw consent after the interview, to review and revise their answers after the interview, and to ask for a copy of

the transcript. I also committed to anonymising their stories and storing interview data securely. I offered to provide a list of questions in advance, which most of them declined. In my previous experience with some leaders and members of the Collective, they wanted to meet me more than once before they felt comfortable divulging their stories, which was an option I also provided to prospective interviewees. Everyone who reached out to me agreed to be interviewed after my initial briefing. I asked them to name a public place where they felt comfortable and safe. Most of them identified fast food restaurants, which was where I ended up holding most of my interviews. In the Philippines, sharing food concretizes social ties and signals intimacy and friendship (Lopez 2006, p. 377). This was validated by some of my interviewees, who described our sessions after they ended as a ‘salu-salo’, akin to a festive get-together, where friends share a meal and converse.

Upon meeting my participants at the agreed upon interview locations, I provided each one a participant information sheet (translated into Filipino), and a consent form, which required their name, age, and signature (Appendix B and D). The information sheet outlined many of the issues I covered when I first reached out to them. I disclosed that I used to work in the anti-trafficking sector, have not had any experience of sex work, and was a researcher at the University of Cambridge. I made very clear that I could not promise any material improvement in their lives, nor did I know where I would be geographically based in the next five years, but that I thought their stories were important and that I wished to foreground them in my work. I stated that they were welcome to ask me questions before, during, and after the interview. I offered to provide them a copy of my dissertation and/or a summary of the key findings written in Filipino if they were interested. Everyone consented to being interviewed under these terms.

### **Safety and privacy**

Some of my interviewees were uncomfortable being recorded. Urada and Simmons (2014, p. 41) who conducted research with female sex workers in the Philippines, have also noted that their interviewees’ disclosure was constrained by distrust. For their HIV survey research involving female sex workers, their Community Advisory Board, which had former sex workers on it, insisted that interviews with sex workers should not be recorded to ensure participant trust and safety, and that the venues and interview times be kept confidential. The Collective’s advice to me was almost identical to the advice Urada and Simmons (2014, p. 42) were given: sex workers

believe that tapes could be used as evidence for the police to arrest them, or that the tapes left them vulnerable to blackmail. Therefore, in their interviews, notes were recorded by hand. With the increased precarity of sex workers and stigmatised communities under Duterte's violent war on drugs, it was possible that they feared exposure even more. I did not record most interviews as a matter of ethics and efficiency. In fact, recording may have affected my interviewees' willingness to answer questions or the quality of their responses. I accepted the trade-off of potentially slowing down the interview as I took notes, and I flagged this to them at the beginning. Because I was reliant on written interview notes and my memory for some interviewees, I typed out my interview notes and field notes immediately after each interview session. Regardless of whether I had an interview recording, after each interview, I went over my written notes with my interviewees and invited them to clarify, revise, or remove responses if they wished. Most of them upheld the content of my notes and a few chose to elaborate more on some answers. I asked them to sign on my notes for verification. I chose to do this because I recognised the difficulty of sending them interview transcripts for approval at a later time. Most of them did not have an email address or regular access to a computer. I did not ask for their home addresses because some of them might not have had a permanent address or might not have been comfortable disclosing this information. In any case, for most of them who lived with their partners and/or children, it would have been risky to post interview transcripts. I offered to send them a printed transcript two weeks after every interview to give them the chance to do a second review, but everyone declined. I also emphasised that they had my contact details and my supervisor's email and may reach out any time if they wanted to request a copy of my notes on their interview, raise concerns, or provide additional information. To date, some of them have gotten in touch after my interviews to share updates about their lives or to connect with me on social media. No one has withdrawn consent. I use pseudonyms all throughout my work to refer to my interviewees. I have a passport-protected file that matches their real names to their pseudonyms. Their consent forms and my original written notes are stored in a safe in Manila. I used only pseudonyms in my interview transcriptions and data analysis stages.

Should anyone have experienced extreme distress during the interview or indicated a need for support or assistance, for example against state violence, or for related issues such as HIV/AIDS or drug use, I was prepared to direct them to rights-based organisations that I had a friendly working relationship with and that were respectful toward sex workers, such as Likhaan, Women's

Global Network for Reproductive Rights, Action for Health Initiatives, or the Collective, if they were not members. This did not appear to be necessary. The closest incident might have been when one of the women in a group interview broke down in the middle of telling us about her husband's violence and his disrespect for her, which he blamed on her having sex with other men for money, despite him having bought a car and a small flat from her earnings. She said, "*baka nga tama sila na marumi ako*" (maybe they are right that I am dirty) and looked at me. It was a tense and emotionally charged moment and some of the other interviewees said they could relate to her experience. I stopped writing and said, "Walang marumi dito" (no one here is dirty). After this, the others joked about the hypocrisy of men and a few of them spoke about the dignity and honour in their work because it is what feeds their families. She herself joked about leaving his 'his ungrateful face' and her bad judgment in staying with him and missing out on former wealthy clients who wanted to marry her or make her their mistress. In this situation, I adjudicated that I would be in breach of my ethical obligations, especially given the nature of my research, if I did not indicate disagreement with violence and discrimination against sex workers.

### **Conducting the interview**

After going over my project and securing the consent of participants to proceed, I explained that I conceived of the interview as a conversation and my questions merely as a guide, and that participants should feel free to talk about other topics, interrupt me, go back to previous questions, add to their answers, or ask me questions.

Keeping in mind that I was working in a context where trust was difficult to earn and some of my respondents were wary of academic researchers based on negative experiences in the past, I used a range of interview techniques such as probing and picking up on markers. Both required actively listening and paying attention to body language, moments of hesitation, and instances where interviewees speak haltingly or circuitously (DeVault and Gross 2012, p. 217). I relied on social interaction such as nodding, eye contact, making affirming sounds to encourage them to continue with their thoughts (Hesse-Biber 2006, p. 105). In general, I probed to encourage them to continue with their own ideas. In a limited number of instances, I probed to lead them toward more specific questions, or to revisit old questions in

light of new responses they provided. I also looked out for markers, or potentially important information that they offered while discussing something else (Weiss 1994, p. 77). I remembered these markers and brought them up when a participant had finished talking or when I moved on to a relevant question. As Agustin (2004, p.3) described, sensing whether respondents have left important things unsaid can be a matter of ‘instinct’, much like how we acquire mechanisms for filtering information from the people we interact with in daily life. In these situations, I sometimes returned to the same point on different occasions to see if interviewees revised or added to their answers. If I thought something might have been implied, I verbalised it explicitly to check if I understood correctly. For example, an interviewee said she never told her husband about her work, but that he would regularly ask her to pay for household expenses and holidays. I asked her if she thought he actually knew about her work, to which she said yes, which opened a line of conversation about tacit acceptance among family members. In my notes, I attempted to capture the similarities and differences in their answers, especially about their ethical worlds and conceptions of selling sex for money. I paid attention to slippages and tensions in each interviewee’s answers, and noted silences and gaps in the conversations.

I tracked interviewees’ candidness and openness towards me across the interview. Many of them spoke more freely throughout the end. They, too, noted my reactions to their words and actions, for example when they laughed over innuendos, made disparaging remarks about domestic work, and talked about the material benefits of sex work. Unlike the conventional approach to interviewing, where only the interviewer asks questions, I wanted a more reciprocal relationship with my interviewees (Wahab 2003, p. 633). I was aware that seeing my interviews as ‘friendships’ would be disingenuous since I was meeting some interviewees for the first time and may plausibly not see some of them again. Ribbens (1989, p. 586). captures this dilemma when she points out that interviews are ‘unnatural situations’. Strangers do not simply ask about and listen to people’s intimate stories. Other researchers have raised concerns about the ethics of instrumentalising friendship to gain access to intimate and personal aspects of participants’ lives (Thwaites 2017, p. 5). At the same time, given the stigma faced by my interviewees, it was important for me to signal that I respected them and genuinely cared for their stories, which I did by listening intently and allowing them to lead the conversation for significant parts of the interviews. My other attempt at resolving this ethical concern around ‘artificial friendships’ was

to always answer questions directed at me truthfully. Many interviewees noted my Indian ethnicity and asked how I learned to speak Filipino. Others asked about my age and why I was unmarried and childless in my 30s. Many were also curious about why I was interested in them and their lives, or if I would ever consider being a sex worker, to which I said that I had not seriously considered the possibility but would not be opposed on principle, but would also worry about stigma, safety, and the effect on my personal relationships. Answering their questions helped me signal that the interview was a safe space and that I regarded them as dialogue partners and not just sources of information (Wahab 2003, p. 632). It was easy to answer questions about the location of social hygiene clinics that cater to sex workers, or how to access emergency post-abortion care. In some cases, honesty might have diminished rapport, such as when I was asked if I believed in god and said I probably did not. Most of my interviewees identified as Christian. To the best of my ability, I avoided performing intimacy and made an effort to manage their expectations about the interview process from the beginning. Nonetheless, I was likely fortunate to be working with individuals and a topic that did not require me to minimise any of my strongly held views for fear of offending anyone, or to have to moderate facial expressions throughout the interviews. When a participant narrated a harrowing experience, I did not conceal my sadness. When a participant cracked a joke, I laughed with them.

### **Critical discourse analysis**

As explained in the previous chapter, I conceive of ‘discourse’ not only as the use of language and visual images, but in a more social-theoretical sense: as a broader range of practices and ways of constituting knowledge (Levy, 2015, p. 10). Discourses are ‘forms of knowledge - powerful sets of assumptions, expectations, explanations - governing mainstream social and cultural practices’ (Baxter 2003, p. 46). I draw on critical discourse analysis and poststructuralist discourse analysis approaches to understand anti-trafficking discourses, my interviewees’ responses to my questions, and my interactions with my interviewees. These approaches view discourse as not merely a reflection or representation of individuals or social relations, but also as constituting entities and positioning people as social subjects in relation to each other. My approach is critical in that I explore how discourse is shaped by relations of power, and the constructive effects discourse has upon social identities and social relations, some of which is not always apparent to participants

(Fairclough, 1992, p. 12). When looking at anti-trafficking discourse, I pay attention to how particular discourses ‘combine under particular social conditions to produce a new, complex discourse’ (p. 4), for example, the sympathetic shift from the ‘prostitute as criminal’, to the ‘prostitute as victim’.

I combine a loose textual approach with more sociological approaches to my ‘data’. My methods of interpreting discourse are themselves not ideologically or politically neutral. Similar to Levy (2015, p. 22), my interview notes and transcriptions were heavily annotated with my comments and references to related literature. I also drew connections between interview responses and highlighted content I thought would be relevant for further analysis. I used thematic analysis to categorise and sort interviews. The core themes that emerged became my initial categories and I rearranged the content of my interviews under those headings (Levy 2015, p. 23). The themes are mirrored in the structure of my dissertation.

When reviewing the Anti-trafficking Law, policy documents, funding contracts, and advocacy materials, I was first concerned with the manifest and patent meanings of the words. I noted the words used to describe prostitution. I also noted how interventions targeted at prostitution were described. After this, I looked at the implicit meanings suggested about prostitution, as transmitted through figures of speech, symbolism and imagery, and other rhetorical devices. Predications of a noun construct it ‘as a particular sort of thing, with particular features and capacities’, and metaphorical analysis ‘focuses on metaphors, or conventional ways of conceptualizing one domain in terms of another, as structuring possibilities for human reasoning and action’ (Milliken 1999, p. 231). Most of these materials are in English, and where there are Filipino terms that are not captured well in English translations, I make a note of this in my findings. I then situated my observations from both my interviews and anti-trafficking texts within the broader universe of aid funding and discourses on gender, poverty, and morality in the Philippines.

In presenting my data, I give primacy to my respondents’ words wherever possible, as a deliberate decision to position sex workers as active voices in research and authorities on their lives (Levy 2015, p. 24; Wahab 2003, p. 630; O’Neill 1996, p. 131). I use a substantial quantity of direct quotations from sex workers in discussing the themes that emerged from my interviews and



answering my research questions. These quotes ‘speak to and against each other’ and are presented alongside my own observations and supplemented by secondary research and data (Levy 2015, p. 25). When I thought that the terms used by my interviewees had no reasonably clear equivalent in the English language, or may have unique connotations and etymologies, I flagged this in my field notes and I also do so when I discuss them in the next chapters.

## Conclusion

Anti-trafficking policies need to be evidence-based or they risk doing harm by applying policies that do not fit the needs of their target population. However, any data on sex work is going to be imperfect and incomplete because of the clandestine nature of the industry and the difficulty of gaining access to stigmatised populations and establishing a research relationship built on trust. No research on sex work as a phenomenon can claim to be ‘objective’, given the complexity of the sex industry and researchers’ own social situatedness. This is the reality of studying sex work in the Philippines (and most places) that applies not just to independent researchers like me, but also to anti-trafficking organisations. This chapter demonstrates that in the absence of perfect data, there is a need for epistemic modesty in approaching the issue of sex work. I have chosen to be upfront about these limitations and have tried to compensate for them by being reflexive about my methods and seeking out individuals who have historically been excluded from knowledge production. This research is the first time sex workers in the Philippines were asked about anti-trafficking policies in some systematic fashion, and the findings (discussed in the next chapters) unsettle that the conclusions that have been made about prostitution within the anti-trafficking sector.

### **Chapter 3: Prostitution as victimhood and the politics of anti-trafficking knowledge production**

“What is Prostitution? It refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.” – Inter-Agency Council Against Trafficking of the Philippines, on their website

The Philippines enacted its Anti-Trafficking Law in 2003, which mostly mirrors the definition of ‘trafficking in persons’ under the UN Trafficking Protocol. However, the Philippine definition covers domestic cases while the UN Trafficking Protocol only applies to situations where an international border has been crossed. The Philippines’ Anti-Trafficking Law mandated the creation of the IACAT to oversee the implementation of the law. Its permanent members include government agencies such as the Department of Justice, Department of Social Welfare and Development, PCW, Department of Foreign Affairs, and the Department of Labor and Employment. It has three seats reserved for NGOs chosen by the permanent members over three-year terms. The US government, with its annual TIP Report and extensive anti-trafficking war chest, plays a significant role in defining the trafficking problem and shaping metrics of success in anti-trafficking globally. Through its ranking system, it constructs states as more or less developed based on how they respond to trafficking, and influences the priorities of governments and nonprofits, including the Philippines.

Escobar’s (2011, pp. 40-41) discussion of the ‘development discourse’ is a useful framework for understanding how, like ‘development’, ‘anti-trafficking’, is ‘the result of the establishment of a set of relations among elements, institutions, and practices and of the systematization of these relations to form a whole’:

‘[Anti-trafficking] establishes a discursive practice that sets the rules of the game: who can speak, from what points of view, with what authority, and according to what criteria

of expertise; it sets the rules that must be followed for this or that problem, theory, or object to emerge and be named, analysed, and eventually transformed into a policy or a plan.’

Despite the diversity of the sex industry and the deeply subjective nature of agency and ethics in prostitution, these discussions are foreclosed in Philippine anti-trafficking conversations and the conflation of prostitution with victimhood is rendered ‘settled’ and taken for granted. In this chapter, I interrogate the set of relationships among anti-trafficking organisations, women’s organisations, government agencies, the US government, and sex workers, to show how prostitution came to be seen as an inherently violent practice that needs to be abolished, and how a criminal justice approach emerged as the authoritative response to trafficking. In doing so, I seek to destabilise these assumptions and set the stage for rethinking the moral and policy frameworks in anti-trafficking in a way that opens the question of prostitution to contestation and multiple interpretations, especially from sex workers themselves.

This chapter is divided into three parts. In the first section, I show that dominant anti-trafficking conversations and policies in the Philippines represent prostitution as universally victimising for women and children, and that key players either explicitly conflate prostitution and trafficking or heavily imply it. I also contrast this with their approach towards other forms of precarious work that do not explicitly involve the sale of sex. In the second section, I examine how knowledge is produced about prostitution in the anti-trafficking sector. Broadly, I argue that this process has excluded sex workers and reflects the cultural, financial, and political incentives of the different players in the anti-trafficking sector. I situate the emergence of the Anti-Trafficking Law in conversations about prostitution in the Philippines, to demonstrate how this law became a vehicle to entrench the view of prostitution as victimhood. I also explore how the conversation on trafficking and prostitution is partially shaped by the Philippines’ colonial history and Catholic identity, and the influence of the US government, which is the largest source of funding for anti-trafficking. I then track the discursive maneuvers (Ferguson, 1994) by which claims about prostitution and the rescue approach are depoliticised, institutionalised, and reified over time. In the third section, I show that the legal and policy regimes that enshrine a narrow understanding of sex workers as victims construct sex workers as passive subjects in need of state surveillance and control and therefore, entrench specific interventions and foreclose others. I argue that the anti-

trafficking sector's representation of sex work perpetuates a hierarchy of work and reproduces the stigmatisation experienced by sex workers, denying them full standing as citizens. Here, I also draw on interviews with key anti-trafficking officials to establish some of the ways in which these conceptions of sex workers as victims play out in anti-trafficking practices on the ground.

### **Dominant representations of prostitution as victimhood in anti-trafficking discourse**

A confusing mix of laws govern prostitution in the Philippines today. At the national level, there are four different laws that directly address prostitution and two that somewhat regulate prostitution but use general language applicable to employees of particular establishments. This has given rise to inconsistent policies at the local level as well. On the national level, the Philippines' *Revised Penal Code (RPC)*, enacted in 1930, criminalises the sale of sex and defines prostitutes as 'women who, for money or profit, habitually indulge in sexual intercourse or lascivious conduct' (Art. 202). It imposes fines or imprisonment on offenders. This law is lifted from the Spanish *Kodigo Penal* of 1897, rooted in the Castilian legal code of 1265, which was heavily drenched in religious morality (Ruiz-Austria 2006, p. 107). This provision in the RPC remains valid because it has not been repealed, although it is applied selectively, which will be discussed further in the last section. The RPC also prohibits 'immoral doctrines, obscene publications and exhibitions, and indecent shows' (Art. 201), which can be used to shut down entertainment establishments and file charges against owners and sex workers. The 2003 Anti-Trafficking Law considers paying for or profiting from the prostitution of others as a trafficking offense, which casts clients and third parties as traffickers and therefore, prostitutes as victims. This is in tension with the provisions criminalising the sale of sex in the RPC. The Magna Carta of Women, enacted by the Philippine Congress in 2009, names prostitution as an act of violence against women from which they should be protected, which also constructs prostitutes as victims (Republic Act No. 9710, 2009). Incidentally, there is already an older law that imposes criminal penalties on persons who 'engage in the business or profit by prostitution' or who 'enlist the services of any person for the purpose of prostitution' ('White Slave Trade', or Art. 341 of the RPC, amended as *Batas Pambansa Bilang 186*). This law has never been used on third parties or clients (Ruiz-Austria 2006, p. 103). In some ways, this legal tension in national laws mirrors how sex workers are viewed in Philippine society: they are either 'bad women' or victims, a theme I

explore in later chapters. At the same time, some laws also enshrine a more pragmatic approach. The Philippine Code of Sanitation requires massage clinic attendants to secure a ‘venereal disease clearance’ (Sec. 62). The Labor Code entitles ‘certain women workers’ who are permitted to work in night clubs, cocktail lounges, massage clinics, bars, or similar establishments to the status of regular employment (Art. 138). In practice, while no local government explicitly recognises sex work as legitimate employment, many local, municipal, and city ordinances require HIV education, condom distribution, and STI testing and treatment of sex workers operating in licensed entertainment establishments (Godwin 2012, pp. 148-150), which is a tacit recognition and acceptance of prostitution. These policies are easier to implement for establishment-based than for street-based sex workers. The confusion over whether sex workers should continue to be treated as criminals is also reflected in local government legislation and policies. For example, a Quezon City ordinance (Ordinance No. SP 15-16, S-2005) mandates that sex workers are victims and that it is their clients and third parties who should be penalised, yet the local police still regularly arrest sex workers under the RPC (Local Government Academy 2011, p. 19).

Since the enactment of the Anti-Trafficking Law, the IACAT has advocated for the repeal of RPC provisions that penalise prostitutes, and for these to be replaced with a law that classifies people who sell sex as victims. In 2004, after lobbying by IACAT members, especially PCW and CATW-AP, and other women’s groups, the Anti-Prostitution Act was introduced by Senator Miriam Defensor-Santiago in the 13th Congress.<sup>8</sup> Its full title is *An Act Addressing the System of Prostitution, Imposing Penalties on its Perpetrators, Providing Protective Measures and Support Services for its Victims, Amending for the purpose the Revised Penal Code* (Senate Bill No. 1817, 2004). This Act did not make it past the committee stage, and a newer version she introduced in 2007 did not make it past the second reading. More versions were reintroduced by female legislators in succeeding years. To date, four bills relative to this legislative proposal have been filed in the 18th Congress (House Bill No. 1149, House Bill No. 2335, Senate Bill No. 785, and Senate Bill No. 501). The most promising is the version introduced by Senator Pia Cayetano, with the same title as Defensor-Santiago’s (Senate Bill No. 501, 2019), which is pending at the committee stage. In the Explanatory Note, it frames prostitution as ‘a massive problem in our

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<sup>8</sup> PCW is a permanent member of IACAT and CATW-AP was elected to a three-year term in 2018. It was also a member of IACAT right after the Anti-Trafficking Law was passed, but lost its seat for a few years.

country’ and defines prostitution as ‘any act involving the use of a person for sexual gratification, pleasure or exploitation, or any act that promotes the latter’, emphasising that prostitution is a one-way process involving actions that are ‘done to’ someone. It actively blurs the distinction between ‘voluntary’ and forced prostitution:

‘Poverty is often cited as the primary reason why some people choose to engage in prostitution. It forces some persons to seek any means to survive - even if it means allowing themselves to be abused and their lives to be endangered. Whether voluntary or involuntary, we cannot deny that this system uses, oppresses, and violates the rights of persons exploited in prostitution, particularly, women and children.’

It also makes explicit that exiting is the only acceptable response to prostitution: ‘It provides for mechanisms to ensure that the human rights of prostituted persons are upheld, and for them to be extracted out of the system and reintegrated into society through rehabilitation programs.’ It sidesteps the requirement in the Anti-Trafficking Law for offenders to have used force, coercion, or fraud, or to have abused the vulnerability of victims, and states that the consent of the person exploited in prostitution shall not in any way exempt the offender from, or mitigate, their criminal liability (Sec. 5). It also expands and renames IACAT to IACATP, or the Inter-Agency Council against Trafficking and Prostitution (Sec. 18).

Inspired by the ‘Nordic Model’ popularised by Sweden, all versions of the proposed Anti-Prostitution Act mandate the repeal of laws that criminalise the sale of sex and impose criminal penalties on buyers and persons facilitating transactions. The Nordic model problematises the commodification of women, but ironically inscribes a market metaphor for prostitution, by framing the issue as a ‘demand’ problem and the solution as ‘ending the demand’ (Molland 2012, p. 50). The Anti-Prostitution Law has been formally adopted by IACAT as part of its legislative advocacy, and it is cited as a priority in their 2019 accomplishment report (IACAT Secretariat 2020, p.6-7). The enactment of this law has been part of PCW’s Women’s Priority Legislative Agenda for over a decade, regularly affirmed in consultations with women’s groups and activists in the Philippines (dela Cruz, 2018). Sex workers’ groups or sex workers have never been invited to these

consultations, despite groups such as the Philippine Sex Workers Collective having a visible social media presence and occasionally calling out IACAT and PCW on their platforms.

In terms of what the Anti-Prostitution Law might mean for trafficking, it could, perhaps, be argued that even if people who sell sex are treated as ‘victims’ under this law, it does not necessarily follow that they are ‘trafficking victims’. Despite CATW-AP’s clarity of vision about the conflation of prostitution with trafficking, IACAT itself has not explicitly made this conflation. However, some content in IACAT’s advocacy materials and training manuals lends itself to the interpretation that prostitution is trafficking. For example, in *The Manual on Law Enforcement and Trafficking of Cases*, jointly published by IACAT and the United States Agency for International Development (USAID) in 2008 (p. 3), it is claimed that ‘In the Philippines, the most common purpose of trafficking is for commercial sexual exploitation through prostitution and pornography’. One element of trafficking identified is that an ‘offender’ maintains or hires a person who is engaged in prostitution or pornography (p. 32), which suggests that anyone who sells sex while working for an establishment or with a manager is by default an alleged trafficking victim. On other occasions, IACAT has distinguished between ‘forced prostitution’ and other forms of prostitution that are not explicitly trafficking situations. Nonetheless, it firmly supports the view of prostitution as victimhood. This may partially account for why anti-trafficking street-level bureaucrats do not apply a consistent approach towards prostitution, which is explored later in this chapter and in the next chapters.

The contrasting approaches taken toward prostitution and other precarious forms of work by IACAT and its members, especially PCW and CATW-AP, and many women’s rights groups such as the leftist-nationalist Women’s Party General Assembly Binding Women for Reforms, Integrity, Equality, Leadership, and Action (GABRIELA), reveal that they regard prostitution as a ‘unique’ category of exploitation and as inherently worse than other forms of work, for which they also recognise the risk of trafficking. A comparison of how female workers in different sectors are constructed and engaged in political activism and policy formulation is telling.

### *Contrast between prostitution and other precarious feminised work*

In general, women's movements do tend to represent the Filipino woman worker as exploited and oppressed and critique the vulnerability of women workers to political dynamics and global markets (Roces 2012, p. 66). However, precisely because they are oppressed, women workers are encouraged to organise based on their sectors, participate in demonstrations, and militate for better working conditions (p. 67). For example, GABRIELA's leaders are women peasants, workers, urban poor, and factory workers. Women workers speak for themselves in radio and television programs and at demonstrations (p. 67). However, when the Philippine Sex Workers Collective, a loose alliance of sex workers originally based in Baguio, spoke about the need to recognise sex workers as rights-bearing workers, GABRIELA responded with a resounding rejection of sex work as work and categorised it as exploitation (Dumlao, 2013).

As a result of the Philippines' position in global political economy and endemic poverty, many Filipinos are in vulnerable employment situations. Filipino women work as domestic workers, or *kasambahays* in households within the Philippines and overseas. Since the aggressive promotion of labour export by the Marcos regime in the 1970s, it has remained a central part of the Philippines economic policy (Pernia 2011, pp. 16-17). Filipino migrant workers remit significant amounts of money back to their families and are hailed as long-suffering heroes in state and popular discourse (Cruz 2012, p. 515). State agencies and civil society organisations that work in anti-trafficking consistently call attention to the exploitation of Filipinos working overseas, especially female domestic workers. Migrant workers are among the most commonly identified populations at-risk for trafficking. The unscrupulous practices of third parties such as recruitment agencies are widely documented, as are abuses by foreign employers. In 1995, the widely publicised execution of Filipino domestic worker, Flor Contemplacion, by the Singaporean government, supposedly for the murder of a fellow Filipino overseas worker, sparked widespread outrage in the Philippines about the country's lack of protection for its citizens working overseas (Agunias and Ruiz 2007, p.7). The women's groups and migrants' rights organisations that campaigned for the Anti-Trafficking Law also previously campaigned for the Migrant Workers and Overseas Filipinos Act of 1995. It is important to recognise that these interventions, while critical of the state, also construct domestic workers as subjects of state protection and give rise to disciplinary measures



such as increased restrictions on migration and mandatory training programs (Cruz 2012, p. 517). Predictably, one of the biggest concerns of women's groups and the anti-trafficking sector is that Filipina women who work overseas may be 'trafficked' into prostitution, which scholars such as Hwang (2017, p. 132) and Parennas (2011, p. 271) argue is overblown and leads to restrictive labor migration policies that harm the women they purport to protect. Nonetheless, despite being identified as a trafficking risk, overseas domestic work is regarded by the anti-trafficking sector as legitimate work and their chosen interventions, regardless of outcomes, have been directed towards making the process safer for the workers and increasing political representation for migrant workers, such as by ensuring that one of the NGO seats in IACAT is awarded to an organisation that focuses on migrants' rights.

The successful campaign for the passage of the *Domestic Workers Act* (Republic Act No. 10361, 2012), which applied to domestic workers within the Philippines, was led by anti-trafficking and women's rights organisations, and involved rigorous consultation and coordination with domestic worker groups. The Samahan at Ugnayan ng Manggagawang Pantahanan sa Pilipinas (SUMAPI), an organisation led by domestic workers, was part of the technical working group convened to lobby for the passage of the law (International Labour Organization 2009, p. 2). The Implementing Rules and Regulations of the Domestic Workers Act say that the state, in protecting domestic workers, recognised their special needs for safe and healthy working conditions. It recognises the 'special relations of mutual trust and respect between the employer and the domestic worker' and seeks to strengthen and protect this relationship. In this law, the state affirms the right of domestic workers to form or join associations for collective negotiation and social dialogue. There are stark differences in the language used to describe domestic work and prostitution. PCW (2014, p. 9) states that women domestic workers are vulnerable to exploitation, and physical and sexual abuse, exacerbated by their being migrants from poorer provinces and their lack of education or economic opportunities, and notes that the *Domestic Workers Act* may help address these issues. In comparison, prostitution was largely conflated with trafficking in PCW's (n.d.) brief on the Anti-Prostitution Law before the 15th Congress of the Philippines in 2010:

'More often than not, women and children trapped into prostitution are poor, uneducated, and sometimes sexually abused. They have been trafficked—recruited, usually through

deception, force or intimidation, and forced and kept into *[sic]* prostitution through threats or actual acts of violence, until such time when the victims start believing that there is no other life for them outside of prostitution.’

Sex workers are thus presumed to be incapable of providing consent, and the logical conclusion is that it is in their best interest to exit the trade without any option to organise for better labour rights within sex work. The assumption made about clients and third parties in sex work is that they are universally violent, abusive, and exploitative.

### **The politics of knowledge production on prostitution in the anti-trafficking sector**

In this section, I first describe and analyse the context, or the political opportunity structure in which the Anti-Trafficking Law was enacted in the Philippines. I do this by looking closely at existing conversations on prostitution, including the agenda of many women’s groups to challenge the criminal status of prostitutes and convert this to a victim status; the most powerful lobby groups who had access to legislators and their political strategies; and the voices that were excluded. I then move into a discussion of the anti-trafficking ecosystem and the relationships among state and civil society organisations in the Philippines and the influence of their largest funder, the US government. At the end of this section, I draw on Ferguson’s discussion of discursive maneuvers to show how decision-making processes around explicitly political questions such as women’s agency and consent have been transformed into technical questions and bureaucratic procedures, thereby stabilising ‘truths’ about prostitution as victimhood.

#### *How women’s groups engaged with the UN Trafficking Protocol to legislate abolitionism*

The Philippines enacted its own Anti-Trafficking Law as a response to intense lobbying from local women’s rights organisations who capitalised on the UN Trafficking Protocol. Various previous versions had been proposed to the Philippine Congress, but it became a viable prospect only after the Protocol was in place (Perry 2016, p. 127). As mentioned in Chapter 1, the Protocol itself was a product of heated debate, particularly in terms of its implications for state approaches to prostitution. In theory, there was and is space for the Philippine anti-trafficking sector to reject the

conflation of prostitution and trafficking, and even prostitution and victimhood. At various points until the final draft of the proposed law reached the Senate for final deliberations, child rights advocates raised the possibility of separate measures for the trafficking of children (Ruiz-Austria 2006, p. 106). However, women's organisations with ties to the anti-prostitution faction dominated the conversation around the passage of the law and launched an aggressive campaign to blur the distinction between women and children. These organisations also play an active role in the law's interpretation and implementation, which has led to some path dependency.

The campaign to enact the Anti-Trafficking Law in the Philippines was led by CATW-AP, along with women's organisations who oppose prostitution such as Development Action for Women Network (DAWN), Third World Movement Against the Exploitation of Women (TM-MAE-W), Women's Educational, Development, Productivity, and Research Org (WeDPro), and GABRIELA. Aurora de Dios, CATW-AP Executive Director at that time, was also the Chairperson of the National Commission on the Role of Filipino Women (NCRFW), a position appointed by the President. The NCRFW is the predecessor of PCW. This gave CATW-AP significant influence over national policies on women. Roces refers to an interview with Jean Enriquez, who was Deputy Director of CATW-AP in 2003 and held the Executive Director post at the time of the interview until the present, where Enriquez explained that the final version of the law that went into effect in 2003 was 'more or less' as CATW-AP had drafted it in 1997 (2012, p. 62). For almost ten years, CATW-AP and its allies campaigned vigorously for the law, through media engagement, networking with politicians and legislators, especially female senators who recognized CATW-AP as 'experts' on the issue, and working closely with government bodies such as the NCRFW.

The law, titled *An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations, and for Other Purposes*, was viewed by CATW-AP and most feminist groups as a victory because it absolved prostitutes and shifted criminal responsibility to perpetrators instead, consistently referred to as male customers and 'pimps' (Roces 2012, p. 63). Furthermore, all women who sold sex could now be construed as victims, and prostitution was cast as either trafficking itself or a driver for it. Enriquez emphasised

that the phrase ‘with or without the victim’s consent’ in the definition of trafficking in the Anti-Trafficking Law is essential to understanding the ‘prostituted woman’ as a victim (p. 62). The UN Trafficking Protocol does stipulate that the consent of a person to be exploited is irrelevant when the exploiters use force, coercion, abduction, fraud, deception, or abuse of vulnerability, but in a separate article from the definition of trafficking. Enriquez had concluded that the Philippine law emphasised this notion more by putting it in the body of the definition. As Weitzer (2007, p. 458) argues, crusades succeed and gradually become institutionalised when a social problem identified by activists is accepted by the authorities as a ‘real’ problem.

I posit that it is important to situate the emergence of the Anti-Trafficking Law in the context of conversations about prostitution in the Philippines, to demonstrate how this law became a vehicle to entrench the abolitionist view. The prevailing, but not unanimous, position held by women’s organisations in the Philippines is that prostitution is violence against women (Roces 2012, p. 52). Representations of prostitution by the media, activists, and academics, especially in the period preceding the enactment of the Anti-Trafficking Law, and even currently, position prostitution as a structural effect of colonialism, militarism, poverty, labour export, and sex tourism, where it is imagined as part of a legacy of racism and imperialism (Ofreneo and Pineda-Ofreneo 1998, p. 104). The colonial dynamics of the sex industry that emerged around the former US military bases was the highlight of conversations around prostitution from the 1980s until the bases closed in the early 1990s.<sup>9</sup> These conversations intersected with anti-colonial, anti-military base sentiments of the middle class, with prostitution seen as the metaphor for the relationship between the Philippines and the US (Law 1997, p. 250). This critique, grounded in a rejection of the commodification of women’s bodies under globalised capitalism, continues to be directed at government efforts to promote tourism, which women’s groups argue motivates the national and local governments to tolerate, if not condone and promote, the commercial sex industry (p. 239). Broadly, the rejection of prostitution is often intertwined with a condemnation of the state’s failure to provide women better options (Roces 2009, p. 274). This view of prostitution is justified by women’s groups who

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<sup>9</sup> The closure of US bases in Angeles and Olongapo did not end prostitution. Angeles remained an entertainment centre, while bars which were shuttered in Olongapo just moved to a neighbouring town (Ofreneo and Pineda-Ofreneo 1998, p. 102). Women’s groups, and eventually the anti-trafficking sector, regularly identify Angeles and other tourism hubs in the Philippines such as Metro Manila, Cebu, and Palawan as hotspots for sexual exploitation and trafficking (Jeffreys 2008, p. 133).

backed the Anti-Trafficking Law as rooted in ‘Filipino women’s realities’, where ‘choice’ and ‘consent’ cannot be taken on face, because the socioeconomic and cultural realities of the Philippines mean that prostitution is always experienced by women as exploitative (Ruiz-Austria 2006, p. 107).

Another factor behind the strength of the prostitution-as-victimhood narrative is that feminist Catholic nuns from a wide range of religious congregations are influential in Philippine women’s movements and in shaping understandings of women in prostitution. In the 1970s, Filipino nuns became more politically active because of a confluence of factors such as nuns going overseas for higher academic degrees and their exposure to feminist thinking; the human rights abuses under the Marcos dictatorship; and the redefinition of the Church as ‘a church of the poor’ by Vatican II, which allowed nuns to leave their convents and live amongst the poor (Roces 2012, p. 38). From when they used their moral power to resist the Marcos dictatorship in the 1970s-80s through street marches and underground activism, nuns have played a central role in political life (p. 36). While nuns have made valuable contributions in promoting feminist theology, especially in rejecting the notion of the ‘suffering mother’ as an ideal for women, they are ultimately bound by Catholic Church teachings and vigorously espouse a conception of prostitution as violence against women. Benedictine nun Mary John Mananzan was one of the founders of GABRIELA; Aurora Sambranco of Heart of Mary was named president of DAWN, which aims to prevent the sexual exploitation of Filipina entertainers in Japan; and Good Shepherd nun Soledan Perpnan founded TM-MAE-W in 1980, as a response to sex tourism and military prostitution (p. 48). TM-MAE-W’s work with prostitutes in Manila, which covers outreach, temporary shelters, consciousness-raising, and employment training earned it a consultative status in the UN ECOSOC in 1985, which is an example of where Filipino women affected UN policies on prostitution and trafficking (Roces 2009, p. 273). Many nuns work with poor women who are salesclerks, factory workers, peasants, and prostitutes, and they provide shelters for women who experienced domestic violence and sexual exploitation, which includes prostitution. Other influential faith-based organisations that conduct awareness campaigns or run shelters for former prostitutes and women victims of male violence include Talitha Kum, an international network of nuns, Preda Foundation, run by Catholic missionaries, and Scalabrini International Migration Network, a Catholic organisation. All these organisations identify as part of the broader ‘anti-trafficking movement’ that campaigned for the

Anti-Trafficking Law and are regularly invited to IACAT consultations with civil society organisations on anti-trafficking policies.

Regardless of their views on whether prostitution is work or victimhood, most women's organisations agree that the criminalisation of individuals who sell sex is problematic. It can be argued, as CATW-AP has, that the Anti-Trafficking Law is a legal path to challenging the status of women who are engaged in prostitution as criminals. It is possible that this law is meant to induce a 'sympathetic shift' in how women who engaged in prostitution are viewed in society, which arguably reduces the stigma faced by prostitutes, who are still viewed by a significant section of society as 'bad women', home-wreckers, immoral, and criminal. Guanzon and Calalang (2003, p. 7) lauded the Anti-Trafficking Law because it 'avoided the child/adult divide and treated persons equally as victims', where previously prosecutors and judges only recognised children's vulnerability but disbelieved women who reported that they were forced into prostitution and required women to provide evidence that they did not consent.<sup>10</sup> On the one hand, women in prostitution having to prove a lack of consent to avoid criminalisation is problematic. On the other hand, the conflation of women with children has serious implications on women's agency because it effectively places women on the same level as children and 'denies women the rights attached to adulthood', such as bodily autonomy and self-determination (Ditmore and Wijers 2003, p. 79).

While the dominant voices in lobbying for the law belonged to those who mobilized the victim narrative around prostitution, there were other voices that were mostly excluded from the process who may have advocated a different path. In 1999, while CATW was citing the government of the Philippines as their ally in advocating for all prostitution to be considered trafficking during the negotiations for the UN Trafficking Protocol, Nelia Sancho, a Filipina, was arguing against this conflation on behalf of the Philippine and India offices of the Asian Women's Human Rights Council (AWHRC) in a consultation with the UN and inter-governmental organisations.<sup>11</sup> Sancho explained that AWHRC worked with a sex workers collective, the BUHAY Women's Collective, to campaign for the decriminalisation of the prostitution business and 'for the recognition of prostitution as legitimate work which adult women can opt into and have guaranteed legal and

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<sup>10</sup> Calalang worked with CATW-AP as a Legal Services Officer during this time.

<sup>11</sup> Sancho co-founded GABRIELA but walked away from the Left movement in the 1990s.

social protection from violence and abuse under existing civil and labour laws' (International Movement Against All Forms of Discrimination and Racism 1999, p. 39). Like CATW, AWHRC also condemned violence against women working in prostitution and sought to provide them legal recourse and protection against sadistic clients, but they were committed to strengthening sex workers' capacity toward self-determination and ability to claim control over their working conditions. Sancho opposed the pieces of proposed legislation that sought to increase penalties for clients and third parties. In her report, she said:

'It is sad that Philippine legislators have not even consulted the women who are involved in prostitution work when they started reformulating existing legislation. The women become the objects of government actions, consistently repressive until today, instead of being treated as subjects or holders of rights, as all Philippine citizens are entitled to.' (p. 40).

In 1997, Sancho represented the AWHRC-Manila in the Asia Pacific Women's Consultation on Prostitution, where human rights activists, sex workers, lawyers and academics released a statement calling for the recognition of prostitution as work and the promotion and protection of the human rights and dignity of women in prostitution. Participants at this event agreed that the 'stigmatisation of women in prostitution as immoral and evil women pits 'good women' against 'bad women', deterring all women from recognising their common vulnerability' (Winkel, 1997). However, anyone advocating for prostitution as work in the Philippines was up against political and cultural inertia. In Sancho's words as quoted by Yamato (2000, p. 60):

'I don't lobby for legalization of prostitution at the present time, because those who make laws in the Philippine Congress do not see prostitution as work. They see this as a moral issue, not a labour problem. Some lawmakers are men with two lives - they have one life which they show to the public as good moral family men. Their other life is more hidden - money bribery from the private sectors for commission deals or bribes in exchange for legislation. And they go to prostitutes like GROS and all that, as part of their lifestyle. To show that their public life is moral, they make laws based on the rigid moral framework. But they will never address the work situation of women sex workers.'

The Global Alliance Against Traffic in Women (GAATW), founded in 1994, is often touted as CATW-AP's nemesis. It has a dramatically different approach to prostitution, which is to support the self-organisation and self-determination of sex workers and to establish a distinction between trafficking and prostitution. GAATW espouses an acceptance of sex work as work and a rejection of all forms of criminalisation of sex work, including of clients and third parties (Gerasimov, 2020). GAATW, which is based in Bangkok, has one small-sized Philippine organisation (BUHAY Foundation, started by Sancho, which has been inactive for over five years) in their network of over 80 organisations, which may partially explain why their perspective has not permeated the Philippine anti-trafficking ecosystem.

The hypervisibility of trafficking survivors is an important political strategy of the anti-trafficking movement. Trafficking survivors are regularly given a platform by the anti-trafficking and women's rights groups to speak about the harms of prostitution. Testimonies from women who were rescued from prostitution or who exited, which often depict abusive life histories and stories of coercion and abuse by male perpetrators, helped build a consensus among Philippine political elites that prostitution should never be tolerated. The deployment of survivors in advocacy and lobbying is a deliberate strategy of persuasion. Testimonies of former prostitutes were used by CATW-AP in legislative hearings for the Anti-Trafficking Law and in their conferences and radio guesting (Roces 2012, p. 148). Survivors who joined TM-MAE-W were featured on television and the UNICEF website (p. 148). Survivors who were helped by CATW allies such as BATIS Center for Women, Association of Women in the Streets (BUKAL), United Women of Angeles City (NKAC), Kanlungan Center Foundation, Inc., and Samaritana Transformation ministries (which does unsolicited spiritual outreach to women who engage in prostitution), had their stories published in an anthology entitled *Halfway through the Circle* (p. 148). After the enactment of the law, survivors' testimonies continue to form a central part of anti-trafficking awareness and fundraising efforts and they are invited to speak on radio and television programs and IACAT consultations and road shows in the Philippines. Bagong Kamalayan (roughly translated as 'New Consciousness') is a prostitution survivors' group supported by CATW-AP that regularly issues statements such as 'sex work is not work', 'real jobs, not prostitution' and shares stories about



women who have found dignity in turning their back on prostitution and taking up decent work such as domestic work (Granali, 2011).

The appeal to survivors' experiences quite likely draws on the similar arguments I make in the previous chapter about epistemic justice and the need to respect lived experiences as a source of knowledge. At the same time, this respect has been granted selectively. Sex workers were not represented or consulted in any official conversations about anti-trafficking efforts and prostitution, nor were they involved in the development of the relevant laws. Instead, the views of prostitution survivors calling for the abolition of sex work were accorded discursive privilege to the exclusion of voices from sex workers who did not identify as victims of trafficking or violence against women. In Chapter 6, I also discuss the need for more scholarly attention towards the power asymmetries between survivors and their rescuers, which is a more critical extension of Roces' argument that the co-optation of former prostitutes into women's organisations such as CATW-AP and its network helped legitimise the organisation's claim to speak for prostitutes (Roces 2012, p. 64).

Cheang (2008) has made similar critical observations about how activists such as CATW-AP distort the voice of vulnerable individuals in constructing 'trafficking victim' subjects. Cheang's ethnographic fieldwork research focused on Filipina entertainers in US military camp towns in South Korea, where she also interacted with Korean anti-trafficking NGOs and CATW-AP, who was represented by Enriquez at a press conference in Seoul hosted by the Korea Church Women United in 1999. These NGOs claimed that migrant entertainers in the US military camps were all victims of 'sex trafficking'. CATW-AP at that time was lobbying senators to file an anti-trafficking bill in the Philippines, and Enriquez's visit to Korea was an opportunity to highlight the prevalence of 'sex trafficking' of Filipinas, in pushing for the bill. Cheang, however, found that Filipinas and US soldiers engaged in 'a range of emotional, social, and sexual relationships mediated by discourses of romance and friendship' (2008, p. 193). From talking to the Filipina entertainers, she learned that their major complaints pertained to the arbitrary fines imposed on them by commercial establishments, the pressure to sell drinks, verbal abuse by bar managers, and restrictions on their mobility, which made it hard for them to meet soldiers outside the clubs they worked at. The NGOs, however, only saw their experiences as 'sex trafficking', reducing the entertainers to their

sexuality instead of locating their problems in common struggles among workers and migrants. Cheang also critiques the lack of accountability of Enriquez and CATW-AP (p. 195). When Enriquez returned to the Philippines and spoke at a CATW-AP-organised press conference on sex trafficking to military bases in South Korea, Enriquez made extensive claims about the suffering of ‘her sisters’ in military camps, despite not meeting any of these entertainers during her trip. Cheang noted that in both the Korean and Philippine press conferences, Enriquez drew on the Philippine experience with US military bases and discussions of gender and nationalism, to build rapport with her audience. Cheang sat in on CATW-AP’s interviews with Filipina entertainers and observed that CATW-AP had engaged in a process of finding ideal victims at the expense of erasing the personhood of the interviewees (pp. 197-200). When an interviewee straightforwardly disagreed with Enriquez’s assumptions about being forced to work and denied pay, Enriquez ignored the interviewee’s answers and returned to her rhetoric of help and saving. CATW-AP also did not express concerns about the current needs of their interviewees, or their livelihood and prospects, nor were they in touch with interviewees after extracting their stories. This is an experience shared by some of my interviewees as well, which I discuss in the next chapter. Cheang had reached a similar conclusion to mine, which is that the production of convincing victimisation is important in lobbying and that anti-trafficking NGOs have their own agendas formulated independently of the women they wish to help. This single-mindedness, manifested in cherry-picking interview responses that fit a predetermined agenda, may re-victimise women by undermining their agency in framing problems and solutions. At the very least, it excludes women whose stories are unhelpful to furthering the paradigm of victimhood.

### *US influence*

Apart from the continued influence of women’s organisations such as CATW-AP and the anti-prostitution orientation of PCW, US influence has also entrenched the abolitionist position of IACAT and may prevent alternative perspectives from gaining currency. The US is the biggest external source of anti-trafficking funding for the Philippine government and local and international nonprofits operating in the Philippines. Between 2001 and 2014 the US disbursed at least 532 million USD in anti-trafficking funding globally (Kelley 2017, p. 89). Between 2003 to 2012, the US government had allocated at least 16 million USD to anti-trafficking projects and

programs in the Philippines, based on incomplete US government data (see US Department of State Archived Content on U.S. Government Funded Anti-Trafficking Programs, n.d.). Since then, at least another 10 million USD has been disbursed through various anti-trafficking programs in the Philippines (United States Embassy in the Philippines, 2020).

In its *Mandatory Standard Provisions for Non-U.S. Nongovernmental Organisations*, the US government requires organisations that receive federal funds for anti-HIV/AIDS or anti-trafficking programs outside the US to either remain silent on prostitution or adopt an organisation-wide policy of opposing the legalisation and practice of prostitution, which it describes as inherently harmful, dehumanising, and contributory to trafficking in persons (USAID 2020, pp. 74-76). Therefore, an organisation, for example, that is set up by sex workers to defend themselves against police abuse, would not be eligible for U.S. funding (GAATW 2007, p. 18). This policy has been widely criticised since it was enacted by the Bush administration to export its anti-prostitution agenda globally (Soderlund 2005, p. 80; Weitzer 2007, p. 464), but has not been discussed in any meaningful way within the Philippine anti-trafficking sector.

The anti-prostitution agenda that is embedded in US anti-trafficking work has been traced by scholars to a politics of incarceration and militarised humanitarianism (Bernstein, 2010, p.47) and the institutionalization of a ‘moral crusade’ into state policy led by a coalition of the religious right, some radical feminist groups, and the Bush, Jr. administration (Weitzer 2007). Kapur (2007, p. 234) notes that the religious right’s opposition to prostitution is tied to their views on sexual integrity and the role of women in the family, as a caregiver and domestic provider. Prostitution defies their belief that sex must be non-commercial, preserved exclusively within marriage. These views on sexual morality are strongly reminiscent of the Catholic Church and Christian groups in the Philippines, which have historically opposed reproductive and sexual rights but fully supported the Anti-Trafficking Law. While discourses on prostitution in the Philippines are usually tied to logics of anti-imperialism and a critique of structural poverty, it is curious that there has been a widespread acceptance of the US carceral approach towards prostitution, which has resulted in mostly low-income individuals being incarcerated. IACAT itself and some individual IACAT members have received large amounts of anti-trafficking funding from USAID. The International Justice Mission (IJM) receives grants for Philippine-based projects and programs valued at

300,000 USD or higher annually (see US Department of State Archived Content on U.S. Government Funded Anti-Trafficking Programs, n.d.). IJM, an international faith-based nonprofit, whose purpose is ‘to provide Christian ministry that advances the scriptural mandate to help people suffering injustice and oppression’ (Anselmo Candado v International Justice Mission, Inc., 2003), has rebranded as a global leader in rescuing children from child online sexual exploitation (Tanagho, 2016). It has historically advocated for raids in commercial sex establishments to rescue women and children in prostitution (Chuang 2010, 1516-1717; Ahmed and Seshu 2012, 153-155; Soderlund 2005, pp. 65-66). Visayan Forum Foundation (VFF), a former IACAT member, received over 7 million USD from USAID for anti-trafficking projects, but their funding was discontinued in 2012 over fraud allegations (United States Embassy in the Philippines, 2018). As of March 2010, CATW-AP received US funding worth at least 750,000 USD, based on information provided on US government projects in the Philippines on Combatting Trafficking in Persons (US State Department, 2010). The Asia Foundation, which also plays an important role in the Philippine anti-trafficking landscape, has received millions of dollars for projects in the Philippines and within Asia (see US Department of State Archived Content on U.S. Government Funded Anti-Trafficking Programs, n.d.).

Regardless of whether their individual organisational mandates involve engaging directly with prostitution, the fact that IACAT member organisations who have a financial interest in maintaining an anti-prostitution position are crafting and implementing anti-trafficking policies in the Philippines significantly increases the barriers to political participation of sex workers, and may preclude even a consideration of sex worker rights on the agenda.

### *Discursive maneuvers*

How then, do these truth claims about prostitution stabilise over time? Ferguson’s (1994) discussion of discursive maneuvers is helpful in understanding the normalisation of the victim narrative. Discursive maneuvers are used by development specialists to construct or reconstruct social realities, justify specific interventions, and define success. This does not need to be done intentionally (p. 276). Experts, he argues, contribute to an anti-politics machine, a system where actual political decisions are framed as ‘technical solutions to technical problems’, thereby

depoliticising them and obscuring the power asymmetries and human costs involved (p. 270). In the next paragraphs, I identify examples of discursive maneuvers in the Philippine anti-trafficking sector:

The structural configuration of IACAT is often seen as effective because it formalises state and civil society collaboration. While collaboration and shared funding between the state and civil society seems like an efficient and technocratic solution on the surface, it has implications on the accountability and political independence of the parties involved. It may incentivise civil society organisations to adhere to a unified position on sex work as violence against women or result in a selection bias towards institutions who hold this position. As mentioned earlier, NGO members in IACAT are appointed to three-year terms and are dependent on votes from the government member agencies to secure a seat. Membership in IACAT provides the chosen NGOs direct access to the government, a stronger platform for their advocacy, and access to anti-trafficking funding from the state. It also gives them institutional credibility in the eyes of other donors, which makes IACAT membership a coveted position. However, the gatekeeper role of government agencies serves a disciplinary function: it is difficult for NGO members to openly disagree with the stated position of government agencies like PCW on prostitution and potentially other issues. No IACAT member has suggested an alternative perspective to prostitution-as-victimhood in the organisation's history.

One process by which political questions are rendered technical in sex trafficking discourses and policies globally and in the Philippines, is through data 'black boxes'. For example, the 2011 US TIP Report (p. 295) states that 'hundreds of victims are subjected to forced prostitution each day in well-known and highly visible business establishments that cater to both domestic and foreign demand for commercial sex acts'. There is no basis cited for this claim. Merry & Ramachandran (2016, p. 236) argue that for those who see prostitution as exploitative, there is a tendency to count the number of prostitutes, regardless of whether they were forced into prostitution, as evidence of the size and scope of trafficking. This results in a circular loop of prostitution being represented as trafficking, thereby compelling interventions to address 'sex trafficking'.

Another tool of depoliticisation is the foregrounding of prosecution in the US TIP report's assessment of countries' compliance with the US framework on trafficking. While the report states that country efforts in prosecution, prevention, and protection are weighted equally, only countries' prosecution and conviction numbers are consistently tracked and presented. There is no equivalent data on preventive and protective measures such as the number of visas granted to trafficked people, the number of 'rescued' people who have found new livelihood, or the number of people who have received permission to travel and work legally (Merry, 2016, pp. 122-123). In this way, the report presents conviction and prosecution as the primary solution (p. 122).

US law ties sanctions to a Tier 3 ranking, which is the rank given to countries failing to meet the minimum standards of the TVPA, but the US rarely enacts these (Kelley 2017 p. 91). Nonetheless, the US TIP report shapes IACAT's priorities. When the Philippines was placed in the Tier 2 watch list for the second time in a row in 2010, the country's vice-president, Jejomar Binay, publicly claimed that the Philippines risked losing 700 million USD in US aid funding (Renshaw 2019, p. 134). Cecilia Flores-Oebanda, director of VFF, which then held a seat at IACAT, used the downgrade to lobby for stronger measures against trafficking from the government: 'We need to show drastic improvement in terms of prosecution and we need to show the political will of government' (IRIN, 2011). The discourse around passing the Expanded Anti-Trafficking Law in 2013 revolved around improving the Philippines' TIP ranking, with an explicit pronouncement by the presidential spokesperson to that effect (Renshaw 2019, p. 134).

Merry and Ramachandran (2016, p. 240) argue that these measurement systems function as technologies of governance that simplify the question of consent and how we think of trafficking in general. They leave no space to interrogate the complex conditions under which individuals sell sex and the differences in individual motivations and contexts. They homogenise both the 'victims' and the 'traffickers'. There are very 'political' consequences that result from this approach, but these are 'naturalised' and seen as logical solutions to the problem as accepted. Broadly, these consequences include surveillance of women and more powers for police and border control authorities, instead of better labour conditions and challenging the brutality of international borders, all done in the name of humanitarianism. These technologies of measurement also illustrate the 'circularity' in the anti-trafficking regime of truth, because the emphasis on

quantitative indicators and criminal justice procedure casts trafficking as a technical problem that requires leadership from ‘experts’. If the primary solution is understood as prosecution, then ‘expertise’ is defined by the ability to deliver convictions. IJM, which specialises in working with law enforcement to improve prosecution, receives far more funding from the US than groups engaged in poverty alleviation or advocating for migrants’ rights through greater freedom of movement. This is consistent with observations made about US anti-trafficking funding priorities more generally (Merry 2016, p. 123).

I argue that even if women’s groups tend to see prostitution as an issue of structural poverty, anti-trafficking ‘action plans’ do not engage meaningfully with the issue of poverty. Once the solution had been defined as punishing deviant individuals to create deterrence rather than addressing structural marginalisation, quantitative data on the number of suspected traffickers arrested, prosecuted, and convicted became the main metric of success. Thus, the Philippines government and IACAT member-NGOs such as IJM and VFF sought to generate prosecutions to boost the country’s ranking (Wiss 2013, p. 57).<sup>12</sup> This usually means tough penalties being meted out to easy targets to drive up the prosecution figures. In Chapter 6, I discuss how this creates an incentive to make assistance to vulnerable individuals or rescued women conditional on their cooperation with prosecutors and their willingness to turn in small-time recruiters and third parties, which is coercive and hardly in their ‘best interest’. Raids and rescue operations in areas where prostitution takes place also presents opportunities to arrest and prosecute third parties as traffickers. Since the enactment of the Anti-Trafficking Law in the Philippines, 267 women and 235 men have been convicted of ‘sex trafficking’ (IACAT, 2020). This is inconsistent with the depiction of prostitution as ‘male violence’ against women and children. Nonetheless, higher convictions, secured at any cost, ‘prove’ that the problem is real – and that the authorities are serious about addressing it. In a similar vein, Keo, et. al. (2014, p. 202), interviewed detained alleged traffickers in Cambodia and found that, contrary to the popular depiction of traffickers, most of them did not belong to powerful organised crime syndicates. Instead, 80 per cent of those incarcerated were poor and uneducated women whose simple illicit activities earned them very little. Many reported being subjected to attempted extortion by state agents. Mostly women were incarcerated because of their inability to bribe the police or access meaningful legal representation (p. 211).

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<sup>12</sup> And perhaps, to secure their own access to funding.

There is no doubt that quantitative data is necessary in assessing the effectiveness of anti-trafficking programs. The way data has been selectively tracked and deployed, however, has helped institutionalise a carceral approach, which displaces other solutions. Further, even if the theory behind prioritising prosecution is correct, which is that traffickers will be deterred by fear of punishment (Merry 2016, p. 114), not all arrests and convictions are equal. The numbers arms race has hurt the poor and vulnerable ‘headhunters’ the most and generally left the bigger players in exploitative industries (not just the sex industry) untouched. In the last chapter, I build on Merry’s (2016) suggestion for a fairer and more robust approach to understanding the problem of trafficking and assessing government efforts.

One other way in which the claims against prostitution are legitimised in the anti-trafficking sector is through performative participatory governance, or official consultations that are not open to the public but feature invited NGOs from various constituencies within the network of IACAT members. These consultations and ‘working groups’ are framed as technical processes that form part of the ‘professionalisation’ of the anti-trafficking sector, while obscuring important exclusions that are taking place.

### **Political regime of prostitution abolitionism**

The previous sections examined the truth claims made about prostitution and how these claims came to be dominant in the anti-trafficking sector through processes that privilege one set of voices and relationships over others. Returning to Foucault’s conception of discourses as productive and as having ‘truth effects’, in this section I look at how dominant understandings of prostitution give rise to policy and moral regimes that regulate the lives of sex workers. The effects are not always consistent, because when this knowledge is diffused, it is internalised in different ways by actors such as street-level bureaucrats and sex workers themselves. The broad argument I make in this section, which is extended in later chapters, is that the anti-trafficking sector is actually ‘legislating’ the precarity of sex workers and their exclusion from political life, not just reflecting it from a distance.



Firstly, despite extensive scholarship documenting police violence against sex workers across various contexts (Fick 2016, Deering, et. al. 2014, Footer, et. al. 2019), there is no mention of this in official anti-trafficking discourse and in the specific campaigns of PCW and CATW-AP for the Anti-Prostitution Law. The threats to sex workers are always located outside state institutions, with state institutions becoming visible only when they acted as rescuers. Further, the assumption that sex workers are victims being abused by clients and third parties justifies ‘protective’ interventions such as raids and rescue operations on establishments where sex workers operate (Ruiz Austria 2006, p. 109; Tigno 2012, p. 35). These raids are meant to allow the police and social workers to rescue sex workers from their perpetrators. However, these raids and rescue operations are usually a locus of violence against sex workers, which I discuss in the next chapter. It is important to note that these raids take place in the context of a confusing legal setting, where sex workers are regarded as victims under some laws and criminals under others. It is not surprising that corrupt police officers take advantage of this ambiguity. The Philippine National Police (PNP) has indicated in their Criminal Investigation Manual (Philippine National Police Directorate for Investigation and Detective Management 2010, p. 30) that ‘prostitutes are no longer liable for prostitution and must be treated as victims’. Nonetheless, police raids on areas and establishments where commercial sex is suspected to occur have preceded anti-trafficking legislation (Ofreneo and Pineda-Ofreneo 2008, pp. 121-123), and many of these raids continue to exist in parallel to anti-trafficking raids or have been refashioned into anti-trafficking raids. Allegations against police officers conducting indiscriminate and fake raids for extortion were referenced in several US TIP Reports (some of them are: 2010, p. 271; 2017, p. 327; and 2018, p. 253), as well as a UN research report on sex work in the Philippines and neighbouring countries (Godwin 2012, pp. 151-152) and a report on AIDS Prevention and Control Ordinances (Local Government Academy 2011, pp. 19-20). In general, there is a lack of transparency in the conduct of raids and arrests. The PNP also published on their website a non-binding opinion that ‘if a [street] prostitute is apprehended without any allegation of being trafficked, [police officers should] file a case pursuant to the RPC’ (Puaso, 2011).

In my interview with anti-trafficking officials, they expressed the same paternalistic mindset of saving women from their abusers, but revealed slippages in the stability of this belief when they

recognised that sex workers behaved rationally and strategically. They also were willing to put women in difficult situations to teach them a lesson or to save them from themselves. This may or may not be consistent with the conscious intentions of other stakeholders in the anti-trafficking sector, although I do argue in later chapters that ‘ending the demand’ harms sex workers, even if this harm is an unintended consequence.

Janet Francisco, Chief of the National Bureau of Investigation – Anti-Human Trafficking Division (NBI-AHTRAD), said there was a shift in her department’s perspective in favour of not cracking down on adult sex work (personal interview, July 4, 2018). She also admitted to the continuation of some practices that she herself had identified as problematic such as anti-prostitution raids. She explained that years ago, establishments that prostituted minors were open and vulgar in soliciting customers for them, but that they have now become more ‘discreet.’ Later in the interview, she acknowledged that, “establishments themselves have realised it is not worth it to employ minors”, and that based on their surveillance work, there were “very, very, very, very few minors in these establishments”, which she attributed to her office’s earlier efforts along with IJM. It was more likely that minors were now being exploited online, she added. I view this as game-changing information because it suggests that many of the current raids continue to exist with full knowledge of officials that they are targeting adult women.

Francisco’s conception of adult sex workers as ‘victims’ also operated on different moral registers. On the one hand, she referred to prostitutes as ‘victims’ and lamented that ‘victims are not cooperating anymore’. Her view was that third parties and bar owners have trained prostitutes to circumvent police interrogation so they can evade prosecution. Law enforcers were ‘demoralised’ because their cases against third parties were being dismissed because of ‘uncooperative victims’:

“During the first quarter of my appointment, I did lots of operations – minors or not, let’s do it! We caught many of them before and closed establishments! But it’s much harder now. Our goal is successful prosecution and convictions, but we need victims to identify perpetrators. At least for minors – whether they like it or not, you don’t have to prove anything else. Even DSWD opposes temporary custody of adult prostitutes and it is hard to argue with them. These victims are also mothers who do not want to be away from their

family. So we need to prioritise. If we think there's a low chance of the investigation succeeding because it doesn't involve minors we move away."

On the other hand, she also said that, "We keep insisting that these prostitutes are victims! But they want to do this for profit. They know what they are doing is morally and legally wrong but we know that they prefer it because it's easy money." This tension between 'prostitution as extremely exploitative and dehumanising' and 'prostitution as easy but dirty money' is important because it may reveal the limits of the victim narrative in protecting sex workers and suggests the need for a more radical rethinking of sex workers' agency, which I discuss in Chapter 5. When asked if they still prosecuted prostitutes under the RPC, Francisco said, "Ideally we can, but we don't really do it. It's like a dead law. But even prosecutors and judges have different interpretations of the law." She continued:

"You also feel pity for them and the bar employees. They do this because of poverty. Usually the offenders we end up arresting are employees of the establishment, not even the owners; they are the ones charged because they are on the ground and they didn't prevent crimes from happening. It is heartbreaking to prosecute these people, especially because we have no proof linking them to the owners, who are usually not present during entrapment operations. The only people present are the bar manager and the women."

While their prosecution strategy may have shifted, Francisco's office still viewed street prostitution as a hindrance, and thus, raids are still implemented: "Even if we can't prosper, we conduct the operations anyway to give them a hard time and discourage them from selling sex." She explained, "We use the same strategy to deal with it as other crimes: 'It takes one to know one'. So we develop informants and assets who are insiders among them. Our goal is to capture the head." At the same time, she recognised that, "Sometimes, prostitutes don't use pimps anymore. They transact directly with clients." There was also a conflation of 'arrest' with 'rescue' in the language she used to describe their approach to sex workers:

"I want to arrest them, but the prostitutes themselves test the waters and ask about our laws. Still, we do arrests of street prostitutes. We do need to identify the pimps – otherwise it's

a rescue operation with no subjects. After rescue, we turn them over to DSWD for both adults and minors, and then DSWD decides what happens next.”

When I asked about how the war on drugs affected sex workers, she said, “Sex workers are being drugged by pimps, especially if they don’t want to sell sex. Or they use drugs to escape reality. The perpetrators also use drugs. They do get targeted for anti-drug operations.” In Chapter 4, I discuss how the increased powers of the police under the war on drugs have increased the precarity of sex workers.

In a separate interview, a high-ranking member of the Manila Anti-Trafficking Task Force disclosed that ideally, raids are only conducted in establishments after it has been established that minors are likely being prostituted in these establishments. However, the bar for ‘credible intelligence’ is low. Even flimsy indicators such as a hunch by a member of the task force, or the presence of sexy dancers can be used to justify raids. On many occasions, they also use other legal grounds for raids, such as an expired business license or noise and ‘disturbing the peace’, which is a pretext for arresting adult sex workers or just “roughing them up” to encourage them to leave the trade. He acknowledged that these cases are very unlikely to prosper, but that there is a value in “shocking women so that they come to their senses and realise that what they are doing is wrong.” “It’s for their own good”, he added (personal interview, July 3, 2018).

Secondly, the emphasis on victimhood is a manifestation of an insistence on purity (Ticktin 2017, p. 584). It divides sex workers into two groups of ‘innocent’ and ‘guilty’ and regulates the sexuality and speech of both groups. Sex workers who do not conform to markers of victimhood are denied legal and cultural citizenship. They are constructed as deviant and ‘criminal bodies’ deserving of discipline, which invites further stigmatisation and violence. The only time sex workers can receive political recognition as legitimate subjects is when they are victims, bereft of agency. It also forces those who identify as victims to give an account of themselves in the simplistic language of the law to access support or respect, which means that they need to recast their complex experiences to fit the ‘elements of trafficking’, by demonstrating the use of force, coercion, or abuse of power or vulnerability by their recruiters. In Chapter 6, I discuss how sex workers and trafficking victims navigate these expectations for ‘credible victimhood’. Roces

(2009, p. 270-271) explains that women's groups avoid the reification of the 'martyr status' for women by deploying the dual narrative of women as passive victims who turn into activist survivors. Nonetheless, in this dual narrative, the agency that has been 'lost' in prostitution can only be reclaimed when the women have their agency reconstituted by the state through rehabilitation so they can lead 'normal lives' (Tigno 2012, p. 24). Once women are rescued, they are subjected to interventions that heal them, 'restore their dignity', and prepare them for decent work, and are reconstituted as responsible, virtuous citizens, for as long as they renounce sex work. Some of these women are invited to become anti-trafficking ambassadors and are provided training and support (Roces 2009, p. 277). Further, because prostitution is seen as inherently victimising and dehumanising, any sex worker who says otherwise is easily dismissed as unreliable. This forecloses conversations about improving their working conditions, denies them political agency, and makes it very difficult for them to advocate for their interests directly, which in turn strengthens the position of other actors to speak for them, including survivor groups and anti-prostitution groups who directly shame them.

Third, the framing of prostitution as something that is always 'done to women' erases individual histories of sex workers. For example, when the US base in Subic was temporarily sealed off as a result of strikes by Filipino union workers in 1986, sex workers staged a protest demanding the reopening of the base because they wanted their 'commercial lovers' back, which received little to no coverage in Philippine media (New York Times, 1986). An interviewee from WeDPro, an organisation that opposes prostitution, acknowledged that many women who engaged in prostitution did not want the US base in Angeles City to close after the Cold War because the presence of American soldiers meant higher incomes, more romantic options, and access to more medicine and medical supplies (Ralston and Keeble 1998, p. 98). This suggests, as Cheang observed in South Korea, that the relationships and everyday lives of Filipino sex workers and US soldiers might have been more multi-faceted than traditionally depicted. Without prejudice to the systems of racism and sexism that underpinned the sex trade in US bases, it is important to recognise that any conversation about the relative benefits of engaging in prostitution from the perspective of sex workers themselves had been foreclosed.

## Conclusion

This chapter has established that the dominant representation of sex workers in anti-trafficking discourse is that of victims. For some anti-trafficking organisations such as CATW-AP, this also means that all women who sell sex are trafficking victims. IACAT endorses the conflation of prostitution with victimhood, but has not explicitly declared a conflation with trafficking. The general strategy of IACAT and women's groups in relation to prostitution is to resolve conflicting laws through an Anti-Prostitution Law which would repeal the criminal status of women who sell sex and impose criminal penalties on buyers and sellers. It is unclear what the implications of this new law would be for the existing body of local laws or labour laws that implicitly condone sex work through health and safety regulations. It has also been established that the conflation of prostitution with victimhood and the decisions being made around this are legitimised through the testimonies of sex trafficking survivors and consultations with selected civil society organisations, but without any input from sex workers. This decision-making environment is partially enabled by IACAT's structure, which rewards ideological alignment between NGO representatives and the government agencies that select them. The abolitionist perspective on prostitution espoused by IACAT and women's organisations has a strong carceral element: it relies on arrests and convictions to deter male clients and third parties. This intersects with the US government's emphasis on prosecution as a metric of success in anti-trafficking, and fits into the Philippine government's priority to maintain its Tier 1 ranking on the US TIP report. The political economy of US anti-trafficking funding also incentivises NGOs to take an anti-prostitution position. However, while the US anti-prostitution agenda is almost exclusively driven by morality, Filipino feminists ground their arguments primarily in socio-economic realities, although morality is still a factor, especially with the role of the Church in Filipino feminism and politics. The policy regime that emerges around understanding prostitution as victimhood erases women's individual contexts and entrenches rescue and rehabilitation as the primary way of 'helping' women who sell sex, regardless of the corruption of the police force, or the reasons behind why sex work might be the best option for some women. While the victim narrative is intended to induce a sympathetic shift toward sex workers, it divides them into 'good women' and 'bad women' depending on their willingness to be rescued from sex work. The implications of this on how women tell their stories

were explored in the previous chapter. The next chapter discusses women's own reflections on their work and the anti-trafficking and anti-prostitution interventions they have experienced.

#### **Chapter 4: Interrogating victimhood: comparing sex worker representations in anti-trafficking with sex workers' stories**

In this chapter, I discuss my interviews with forty adult street or establishment-based sex workers in Metro Manila and neighbouring provinces and my conversations with leaders of the Philippine Sex Workers Collective. I show that my interviewees' experience of insecurity and precarity is generally different from how it is conceived and framed by the anti-trafficking sector. For example, there is a trend within anti-prostitution advocacy to characterise sex workers as 'broken', usually because of childhood abuse and trauma or histories of violent relationships. PCW (n.d.) makes this claim in their brief on enacting the Anti-Prostitution Law, 'More often than not, women and children trapped into prostitution are poor, uneducated, and sometimes sexually abused'. Barnyard (2010, p. 146) suggests that childhood sexual violence leads to a difficulty in asserting boundaries or a compulsion toward trauma re-enactment, which supposedly describes why women end up selling sex. Farley (2004) asserts that 'prolonged and repeated trauma precedes entry into prostitution, with most women beginning prostitution as sexually abused adolescents'. Enriquez of CATW-AP (2015) points to 'rape culture' to suggest that women who were sexually abused by family members internalise the perception that they have lost their integrity, and thus succumb to prostitution. Mac and Smith (2018, p. 48) and many other sex workers have pushed back against this pathologisation of sex workers, arguing that survivors of violence turn to selling sex not because they are too 'damaged' to make decisions about what is best for them, but often because they lack family support and have a compelling need to not return to sites of abuse. Further, they observe that the emphasis on the psychopathology of sex workers obscures the very real economic reasons for their decisions. Indeed, my interviewees affirm Mac and Smith's (p. 49) argument that economic necessity is the most relevant factor in the decision of vulnerable individuals to engage in sex work, and that through this lens many of their decisions are clearly logical survival strategies within difficult circumstances.

Many of my interviewees were single mothers or had been for a significant period in their lives, and the relatively higher hourly rates and flexible working hours in sex work weighed heavily in their decision to choose it over other jobs. Several found sex work to be more convenient, less dehumanising, and potentially safer than alternatives such as working as overseas domestic



workers. Regardless of their personal moral beliefs about selling sex, most of them preferred to be able to go about it without fear of being ‘arrested’ or ‘rescued’, which were terms they used interchangeably. They wanted to be able to transact freely with their clients, and for the police to only intervene when their clients were physically violent or withholding payment, which clashes with the anti-trafficking sector’s approach of criminalising clients and third parties. In fact, most of my interviewees experienced more abuse from members of the police than by their clients or third parties. This is important because it establishes that agents of the state who are defined as front-line protectors of sex workers under Anti-Trafficking Laws, are among their biggest threats. Several interviewees operated without managers, and those with managers described their interactions as more fluid and mutually beneficial than depicted in common anti-trafficking narratives. This must be understood in relation to CATW-AP’s claim that clients and third parties ‘take advantage of the vulnerability’ of women in prostitution, which makes prostitution trafficking (Roces 2012, p. 62). To the extent that any economic system allows individuals with power and capital some leverage over those without, it is unclear that the arrangements between sex workers and third parties is uniquely exploitative. Where there are clear-cut abuses, it begs the question of whether criminalisation (full or partial), makes them more likely, which is discussed in Chapter 7. Finally, many of them said they would benefit from ‘exit services’ that offered meaningful alternatives but that these should be provided without shaming them for their work, and without being conditional on them exiting sex work completely or until they have personally determined that they are able to do so.

I give primacy to their stories in this chapter and try to preserve the structure of their responses as I present them. As discussed in the previous chapters, sex workers in policy discourse have not been ‘allowed’ complexity. Their victimisation through prostitution is often seen as the most essential aspect of their identity. However, they are mothers, activists, daughters, consumers, dreamers, friends, performers, religious worshippers, healers, artists, home-makers, and more. They have diverse conceptions of sex, ethics, desire, intimacy, and labour. I try to acknowledge these multiple, even conflicting, subjectivities, as they are reflected in my interviewees’ responses. In general, I share more responses from sex workers who are not leaders of the Collective and I explicitly indicate when I do refer to an answer by a member or leader of the Collective. As

established earlier, it is likely that leaders of the Collective may have a more overtly political vocabulary and agenda, and I am keen to represent a range of experiences.

This chapter has several sections. The first one covers my interviewees' responses to questions about their entry into sex work and reasons for continuing to engage in it, which I describe as a process of choosing the best of bad options. I also include stories of interviewees who engaged in sex work to escape abusive relationships. In the second section, I discuss how they negotiated their engagement in sex work with their families and communities. The third section elaborates on their relationships with managers or third parties. In the fourth section, I discuss their interactions with their clients and how they respond to violence or duplicity, including their general aversion to reporting. In the fifth section, I describe their awareness of the legal aspects of their work and their understanding of anti-trafficking. In the last section, I discuss their relationships with the police, whom I argue are a major source of violence against sex workers, which is often ignored in dominant perspectives that focus on clients and third parties as perpetrators. Here, I discuss their interactions with clients who are policemen. I also look at sex workers' experiences with the police in general and in the context of regular raids and anti-trafficking raids. I build on the policy implications of this in Chapter 7. Finally, I reflect on how Duterte's violent war on drugs has increased the power of the police over sex workers and exacerbated pre-existing vulnerabilities. There are some interview responses that I have chosen to discuss more explicitly in succeeding chapters instead, such as their experiences of being rescued and sheltered, which is the focus of Chapter 6. The discussion of my interviewees' self-perceptions, how they incorporate sex work into their personal ethical frameworks, their reactions to being stigmatised and denied dignity, and their constructions of sexuality and intimacy fit more directly with my reflections on agency in the next chapter. This chapter essentially lays the empirical groundwork for the next one, where I draw on their stories to suggest alternative ways of thinking about agency in oppressive situations. In the next chapter, I make my interviewees' responses 'talk back' to each other. For example, I interrogate the notions of motherhood and self-sacrifice that dominate many of their responses in this chapter and complicate this with a discussion of how some of them have suggested that they also found sex work to be personally and materially rewarding.

I have summarised some of my interviewees' data into a table below for ease of reference. I include

their pseudonyms, last interview date, age at the time of the interview, age when they first engaged in selling sex, number of children (if any), living arrangements with children, dependents (which may include their children and other family members), marital status, current city, and hometown (if different). All my interviewees were residing in Metro Manila or nearby areas. Cities with an asterisk are in Metro Manila (Manila is one of the sixteen cities). Their hometowns are designated with L, V, and M, for Luzon, Visayas, and Mindanao.

Name (not real) and last interview date	Age	Starting Age	Child	Arrangement with children	Dependents	Marital status	Current Address	Hometown
Rica 4/1/18	18	12	1	adopted by Rica's grandmother	mother; sibling	single	Pasig*	Manila (L)
Emma 4/1/18	39	36	2	live with her	2 children; parents; siblings	widow	Caloocan*	
Sandy 5/1/18	41	25	5	1 lives with her, 4 with in-laws	1 child; helps with others	widow; has a partner	Manila*	Leyte (V)
Amanda 5/1/18	35	15	0		mother; nephew	single	Las Pinas*	Bacolod (V)
Mina 5/1/18	47	19	1	child is independent		widow; has a partner	Manila*	Rizal (L)
Merlie 6/1/18	37	20	4	1 died, 2 adopted, 1 with her	child	single	Manila*	Bulacan (L)
Jewel 6/1/18	32	26	2	live with her	2 children	cohabiting	Pasay*	
Mary 6/1/18	47	20	8	2 live with her	2 children	single	Pasay*	Cebu (V)
Faith 6/1/18	47	16	1	with her brother		cohabiting	Pasay*	
Mariel 15/1/18	29	24	2	with her parents	2 children; parents; sibling	cohabiting	cemetery (squattng)	Bicol (L)
Lydia 15/1/18	34	21	0			cohabiting	hotel	Batangas (L)
Erica 15/1/18	59	32	4	2 with her, 2 independent	none; previously single parent	separated	Pasay*	La Union (L)
Nora 15/1/18	41	30	4	all with her	4 children	cohabiting	Parañaque*	Leyte (V)
Bea 15/1/18	37	20	3	1 with her, 1 with former partner, 1 with her family	1 child	single	Parañaque*	

Karen 15/1/18	40	20	7	4 with her, 3 with their father	4 children	has a partner	Parañaque*	Bicol (L)
Riza 15/2/18	34	16	6	3 with her, 1 with first husband, 2 with second husband	2 children	cohabiting	Parañaque*	Laguna (L)
Abigail 15/2/18	22	17	2	all with her	whole family	cohabiting	Pasay*	
Teresa 15/2/18	30	18	3	all with her	whole family	cohabiting	Manila*	
Lorena 15/2/18	32	24	3	all with her	3 children	cohabiting	Quezon City*	
Lenny 16/2/18	30	22	3	with her parents	3 children	cohabiting	Quezon City*	Samar (V)
Dalia 16/2/18	31	21	3	live with her	3 children; parents	cohabiting	Quezon City*	Samar (V)
Clara 16/2/18	23	21	2	live with her	2 children; parents	has a partner	Caloocan*	Pampanga (L)
Ada 16/2/18	21	16	1	lives with her	child; parents	single	Manila*	Pampanga (L)
Maria 16/2/18	20	16	1	lives with her	child	cohabiting	Manila*	Bulacan (L)
Alissa 17/2/18	21	14	1	lives with Alissa's mother	partially supporting family	cohabiting (different to child's father)	Caloocan*	
Rina 17/2/18	22	11	2	live with Rina's aunt	father	cohabiting (different to child's father)	Manila*	
Fiona 17/2/18	31	22	4	live with her	children; mother	cohabiting; single parent previously	Montalban, Rizal	
Yeng 15/2/18	18	18	0		father	cohabiting	Manila*	
Janice 15/2/18	19	16	0		parents	cohabiting	Manila*	
Anabel 29/6/18	33	20s	4	2 with her, 2 with first husband	2 children	current partner in jail	Parañaque*	
Maia 30/6/18	33	18	5	live with her		cohabiting	Cubao slum, Quezon City*	
Christine 30/6/18	38	19	4	live with her	children; mother, and sibling and nephew	cohabiting (third partner)	Quezon City*	
Dina 30/6/18	32	22	5	3 with her parents, 2 with her	two children	2nd husband; first died	Antipolo, Rizal	Davao (M)
Rosa 29/6/18	27	18	1	with child's father	parents; siblings	cohabiting	Tondo*	

Marita 30/6/18	34	20	1	with child's father	my child	cohabiting	Parañaque*	
Corinne 20/6/18	34	14	1	with child's father	child; child's father	cohabiting	Valenzuela*	
Elsa 30/6/18	33	17	1	lives with her	child; child's father	new partner	Laguna	
Sara 30/6/18	38	18	2	1 with her, 1 with nuns	2 children	cohabiting	Cubao, Quezon City*	
Imelda 30/6/18	27	20	3	live with her family	children; mother	cohabiting	Cubao, Quezon City*	Bicol (L)
Anita 24/6/18	25	21	3	live with her and her husband	she and husband support their children	married	Pasay*	La Union (L)

### Sex work as the best of bad options for mothers and family providers

Most interviewees identified their role as mothers and providers as their main motivation for engaging in sex work. All but four of them were mothers and most of their children were under fifteen. A third of those who were married or living with a male partner were separated from their previous long-term partners. More than half were single mothers at the time of the interview or had been for a significant period, which influenced their decision to choose sex work over other low-paying, less flexible jobs. Not all lived with their children. Some, especially those with more than one child, have had to split their children up, keeping one or two children with them, and entrusting the others to different households, such as the children's grandparents or the women's former partners. Everyone with more than two children indicated that their children had different biological fathers. Nonetheless, regardless of where their children lived, most women were the primary financial providers for most or all their children. Some of them received assistance from former partners or other family members. Almost half also financially supported their parents and other family members. As shown on the table above, four of them first engaged in sex work when they were between eleven and fourteen years old. Eight of them did so after they turned fifteen but before they turned eighteen. Twenty-three began after turning eighteen but before twenty-five. Five started after they turned twenty-five. Some had children with disabilities who required regular care. For some, their engagement in sex work was discontinuous. They would stop and return when they needed the money. Some lost their homes and savings during natural disasters, while others

wanted to leave abusive partners, or were abandoned by the fathers of their children and had to raise children as single parents. For many, sex work was part of a range of income-generating activities such as selling home-cooked food, or working in small shops or canteens.

A third said they would not be engaging in sex work if not out of economic necessity and most wished they had better options. This is significant because it partially affirms what anti-prostitution advocates say about women turning to prostitution primarily out of economic desperation. In the next chapter, I argue that my interviewees' emphasis on their family obligations is but a partial transcript, and that based on their other responses, there are other dynamics beyond economic desperation that affect their engagement in sex work. Nonetheless, women's obligations as mothers and daughters, and their experience of poverty, are key factors in their decisions, as correctly identified by organisations such as PCW and CATW-AP. My interviewees' answers demonstrate, however, that they are not passive actors. They had reflected on their reasonable job alternatives, if not engaged in these types of work directly. I considered that it was possible that they had an inaccurate view of how the labour market was structured, or that they were operating with significantly incomplete information. However, their answers reveal that these choices are careful and considered and that the alternatives identified by anti-prostitution advocates are not experienced by my interviewees as superior to sex work, or not even feasible for some of them. In the next chapter, I examine Philippine labour market constraints that validate many of their reflections. When describing their entry into sex work, the most common story was that they were encouraged by friends who were engaging in it, with several women emphasising that it was always in the form of advice and encouragement but never coercion, and with everyone saying that they were aware of what they were expected to do. This still requires further reflection, but it does refute the common imagery of women in prostitution as having been abducted and held against their will (Andrijasevic 2014, p. 359).

Mina, 19, turned to sex work after she gave birth at 18 and was abandoned by the child's father: "I needed to support my child. I did not want to be a domestic worker because why will I take care of other people's children and live like sa slave with a different family, for 2000, maybe 3000

pesos<sup>13</sup> a month, if I'm lucky? What about my own child? How can I be a good mother if I leave my own child to care for other people's children?"

Imelda, 27, supports her three children and mother. She was mugged on her way to a job interview and lost her phone and money. A woman approached her and said, "Do you want easy money? You have the looks for it." Her first client lowballed her and paid only 200 of the agreed upon 500. A staff member at the motel fought him, and he paid up. She continued after the incident: "It just kept happening, and I ended up liking it." Eventually, she ran away from her first husband, who used to beat her. She hoped to go back to university.

Dalia, 31, supports her three children who live with her and her parents. She would stop selling sex and resume when she needed the money: "My breaks were longer than the time I spent doing this". Maria supports her only child, who lives with her. She was 16 when she first sold sex: "My grandmother was sick and we needed money. I stopped several times." Both said that when they separated from their children's fathers, they needed to engage in sex work. On a good night, they made around 3,000 each. Sometimes, they went home empty-handed. Maria added, "Sometimes, I go home even after just one client. As long as I have a bit of money for my kid."

Nora, 41, supports her four children. At 30, she was a band singer at a bar. Her husband disappeared after they separated and she was left to raise young kids. She only made 350 per night as a singer. "I still sing, but I now make an additional 3,000 per night for 2-3 clients, and that is only because the bar takes forty per cent off." For American or European clients, she earns around 10,000 per night. These clients usually arrive during the holidays. Some of them see her exclusively and cover her expected income for days or weeks. "In our country, there's a formal and informal age limit for many jobs", she said. "For sex work, as long as the clients like you and you can, it's fine."

Anabel, 33, has four children. She supports the two who live with her and two are with her first husband. Her current partner is in jail on drug charges. She began engaging in sex work in her

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<sup>13</sup> As of September 2020, 1 USD was equivalent to 48.5 Philippine pesos (PHP). Since 2010, this has fluctuated from 40 PhP to 55 PhP. All monetary figures are in pesos unless otherwise stated.

mid-20s: “My first husband was cheating on me. I thought to myself, ‘Well, then, I will make sure I have my own money!’ This was my way of ensuring my own security and my children’s, too.” Her friends encouraged her to work at a bar, but to hide it from her husband. They said, “This is easy money! Don’t be stupid!”. She said with pride:

“It was true. I was a singer, and the clients would request for me, ‘Si Ganda’ (the beautiful one). But I’m exhausted. Still, this is for my child’s milk and diapers. I cannot ask my family for help because they will insist that I leave my partner and stay with them. I am tired of their scolding and judgment and I love my partner.”

Anabel was proud of her loyalty to her husband: “When I visit him, the other inmates clap and cheer. Their wives and girlfriends have left them and they think my husband is a very lucky man.”

Alissa, 21, has one child who lives with her parents. She was abandoned by the child’s father. She supports her child and partially supports the rest of her family:

“We were poor, so I began selling sex at 14. I just went with my friends and then it happened. I tried applying to other jobs – to a call center and to fast food companies like Chowking. I was not accepted because I have no college degree or work experience. This is convenient. On a good night, I make 2,000-3,000.”

Clara, 23, supports her two children, one of whom has a serious disability, and her parents. She used to work as part of the service crew for a fast food chain, but the wages were too low. Unknown to her family, she started selling sex instead.

Anita, 21, supports three children with her husband. She made at least 5,000 every night and only worked some nights: “So three hours as a sex worker already pays more than the daily minimum wage. A lot more. I have no manager, so I own my time and decide my limitations. I have money if I get sick. There are so many requirements to apply even just as a saleslady. This is faster and easier.”



Lenny, 30, supports her three children who live with her parents. Her partner was unemployed. She switched to sex work:

“It’s very hard to apply for other jobs. I used to work as a sidewalk vendor and I had to start at 7 AM daily and got home late at night. I made 150 per day. I was not given food. I had no money to send for my children. For other jobs, you have to pay before you could even apply – training fees, medical check-ups, so many other documents are required. I could not afford it. Now, I make 200 per client. Others try to haggle, but I don’t agree because that is no longer fair. For 2-3 hours of work, I already earn double what I did for ten hours a day before. My regulars pay more, too, usually 350-500.”

Marita, 34, has one child whom she supports as a single parent. She previously worked as a salesclerk at one of the biggest mall chains in the Philippines and entered sex work at 20. In some ways, she found sex work to be a more stable prospect than formal work:

“The work was hard – we had to stand for ten hours everyday and deal with rude customers! The pay was 350 a day, and they fired me after six months and all my work went to waste because I didn’t get regularised. They were willing to rehire me after six months and cycle repeats! My friends encouraged me to do sex work. I thought it seemed like an easy way to make money. My friends and I work together and we share clients.”

Sandy, 41, has five children. She was widowed, and was living with the father of her third child. She works as a singer for a bar band, and at 25, began doing sex work on the side, without the knowledge of the bar owner. Her first husband was unemployed and her income from singing was inadequate. In her early 20s, she trained to become an entertainer in Japan. The training and accreditation process takes a minimum of two years, as stipulated by the government of Japan, largely as a reaction to pressure from the US government for Japan to increase restrictions on migrant entertainers to ‘prevent human trafficking’. Ironically, this process leaves many of the women indebted to talent managers and promoters, requiring them to take on successive contracts to pay off their debts before they can finally earn, which also makes them even more likely to engage in prostitution in Japan (Parennas 2011, p. 55). While Sandy was training under a

placement agency, a Japanese promoter tried to rape her. When she fought back, he hit her with a metal bar, which injured her spine. She did not report him. She was bedridden for a year and left with a lifelong disability that makes potential employers in the retail and factory industries reject her immediately.

Erica, 59, supported her four children when they were younger and her husband, whom she left eventually. She was a domestic worker for a family in Saudi Arabia, a top destination for Filipino domestic workers. She said,

“They took my passport. I was not allowed to leave the house or make phone calls. I could only eat their leftovers. I woke up very early and went to sleep very late because there was too much work. I got shouted at in a language I did not understand. The contract I signed in the Philippines said I would be earning 15,000 a month. When I landed in Saudi, the recruitment agency made me sign a substitute contract, which stipulated 10,000 a month, with deductions for my airfare and placement. After my contract ended, I went back to the Philippines and started doing this. My worst clients are like angels in comparison to my bosses in Saudi. I am not going back there. I don’t want to be sent home in a coffin.”

Teresa, 30, has three children who all live with her. She also supports her parents and partner, who does odd jobs and does not have a regular source of income:

“I wasn’t able to attend even high school, so I am not qualified for most jobs. I worked for a factory but there were so many deductions – even if you were late to work for just three minutes, they took away a third of your daily pay! I had to pay for my medical expenses and check-ups! My back hurt from sitting in the same position all day. My work now is also hard. Sometimes, I am on the street for hours, but ... nothing. I go home in tears, with no fare, and hungry. But sometimes, I hit the jackpot and make 3,000 –5, 000 per night. Usually, it’s 300-500 per client, but my regulars and wealthy clients pay more. I also want to watch my children grow up. I want to stay home when they are sick. I cannot do this if I work in a factory from sunrise to sunset!”.

Bea, 37, has three children, one of whom lives with her, one with her former partner, and one with her parents. She supports all three by working as a sex worker:

“When I was 15, I would go with my friends to the bars in Subic. I knew how it worked, but I only started working as a sex worker at a bar when I was 20. I was married at 18 and had my first child at 19. My mother had a gambling addiction and we needed money. My friends were right and it was easy: ‘You lie down, then you make 2,500’. Done. My baby’s milk is sorted. My friends and I, we help each other: ‘Friend, can you decline this client and can I just take him tonight? I really need the money today.’ Or when one of us is pregnant, we refer clients to the others. I would make 1,500 per client officially and the bar would make 500 on top of that, but I negotiated with clients for more money in exchange for more services and private sessions. We did these things ‘under the radar’.”

#### *Sex work as an escape from dependence on abusive partners or family*

A few of my interviewees disclosed that they had been abused or neglected by parents or other adults when they were children. It is usually the case that extended family members are a regular presence in children’s lives in the Philippines. Shared housing among extended family members is also common. Rina, 22, ran away from home because she was raped by her stepfather and treated like a slave. Her mother refused to believe her, so she joined her friends who were engaging in sex work. Riza, 34, said her family emotionally and physically abused her and so she worked in the same bar as her cousin and began secretly engaging in sex work when she was 16, even if the bar officially did not allow customers to even just touch their employees. Riza supports her six children, three of whom live with her and her third partner, and the other three with her previous partners. Janice’s uncle used to punch and strangle her, so she ran away. Merlie ran away from home because she was being abused by her sister’s husband, but her family refused to believe her. Her experience in a rehabilitation shelter is discussed in Chapter 6. Merlie did sex work on top of serving as a *barangay tanod* (civilian who performs low-level policing functions under the authority of local government officials) to provide for herself and her daughter. Corinne, 34, was made to work by her family since she was seven. She would be washing cars and doing odd jobs. She was raped by a family member and ran away when she was 14, which is when she began

working at a bar. She now works as a freelance sex worker. She lives with her ex-partner and her child and continues to support them both. Alissa's grand-uncle raped her when she was nine. Her family did not believe her. She stayed with her family but decided that if she needed to run away, she had to be self-sufficient. In her words, "I know what rape looks like. I was raped. When I sell sex, that is not rape." Dina was almost raped twice – by the father of her husband and by her former boss. In both cases, she fought them off. These incidents took place when she was a student who also worked as a street vendor. She entered sex work to reduce her dependence on her husband's family and said, "I have not encountered this type of violence or abuse from any of my clients, but I am sure that if my partner and I had to keep staying with his parents, I would have been raped." In these cases, their families were direct abusers or abetted their abusers, and they sought to distance themselves from their family and could not rely on anyone else for support. They felt sex work was the most viable option.

Many of my interviewees had left abusive relationships or been abandoned by their partners, and most of them had children to support. Erica's husband used to beat her but she did not report it. There was no legislation against domestic violence at the time. Both their families told her to just tolerate it and keep it private because 'it should be just between husband and wife'. She eventually left him. When she sought legal advice about suing him for financial support, she was told her case was weak. Her own lawyer said, "You are very pretty. You will find a way." Nora described herself as a 'battered wife', but she kept it from her family. She said, "I left my husband, but it took a long time because I didn't want my kids to lose their father. I was a martyr." She began engaging in sex work after. Karen's first partner molested her child, and she felt that she had no choice but to leave him. In these cases, they indicated that sex work was preferable to staying with an abusive partner who did not treat them well or whom they did not love, purely out of financial desperation. Often, they identified sex work as the way in which they managed to escape abusive relationships while still providing for their children and being able to physically look after the young ones. Finally, in a few cases, sex work was a way for my interviewees to support their new partners and their children.

## Negotiating sex work and family relationships

Many of my interviewees, including some leaders of the Collective, hid their engagement in sex work from their families for fear of judgment and condemnation. A vibrant rumour culture and close family ties in the Philippines means that it is likely that communities have ways of knowing who among them engage in sex work, which my interviewees acknowledged. However, they usually navigated this by representing their work as performing in clubs or waitressing instead of selling sex. Nora told her family she was a singer in a band that played for a nightclub. She said, “They may be suspicious, but I have not explicitly addressed it. Maybe we already have an understanding and it does not need to be said. Or maybe they are afraid to ask because they are afraid of the answer?”. Others told their families that they worked as salesclerks, street vendors, or factory workers, and explained away late nights as having fallen asleep at work, needing to run errands, or doing late shifts. Clara, who told her family that she worked at a restaurant, wore her restaurant uniform when she left and came home. For many of the women who moved to Metro Manila from other parts of the Philippines, the secrecy was made easier by their physical distance from their families.

Rica, 18, told her family that she worked at a canteen, which was her old job. Her grandmother and brother found her out and ordered her to stop, so she pretended that she did. Nonetheless, they continued to suspect it: “They call me ‘*bayaran*’ (paid woman) and ‘*pokpok*’ (derogatory term for prostitute) and they gossip about me and are sometimes cold to me. But this is my life. I want to tell them that I am doing this for them. I actually feed my family with this work.”

Alissa, too, told her family that she was just out with friends at nights. However, a family member saw her with a client. They said to her, “Don’t you even defend yourself! And don’t complain! You chose that life! You wanted to be a whore!”. She was laughing as she narrated this, and added, “They may even think I am a pimp!”.

Janice, 19, had no children but supported her parents. She started selling sex on the streets at 16, upon the encouragement of her friends. She was visibly distraught as she narrated how her family found out from a snitching neighbour and her father beat her when he first heard.

Anabel did not discuss her work with her family, but they found out. She has conflicting feelings about sex work:

“I was the favorite in my family and my family showed me love. We were not really poor. Somehow, everyone got a university degree except me. I became the black sheep. I think sometimes, ‘I’m dirty. Am I dirty? Why did I turn out like this?’. My partner was so jealous – he would beat me badly. I stopped for him. But now that he’s in jail, I sometimes have to, so that I can earn money and visit him. Next week is family day for prisoners! I also have to feed my child ... and this, this is easy money. But after this week, I don’t want to repeat it. Other people will really lose their respect for you.”

Others have disclosed to their families and faced judgment, scolding, and shaming. Sara said she knew that people did not respect her work, but she endures it for her child. She was abandoned by her first partner and needed the money. Her current partner was not happy with her work: “Expect that if you are a sex worker, you and your partner will always fight.” Dina told her close friends and family: “My family was shocked and angry. They said, ‘There are so many other decent jobs!’ I don’t think so. THIS job is faster money.”

Karen, 40, had seven children and supported four of them, while the other three were with their father. She worked at a massage parlor which offered sexual services on the side. She made about 3,000 per night and spent 15-30 minutes with each client. When she could secretly negotiate private sessions with wealthy clients, she made as much as 15,000 per night. During the interview, she indicated that she was earnestly looking for a way to exit sex work because of its effect on her relationship with her current partner, and to prove to herself that she could do it:

“He uses it against me, even as I have been trying to stop. I sometimes ask myself, ‘Is this all there is to my life? Is this the most I can do?’. Whenever I leave and come back home, he asks, ‘What were you doing? Were you seeing other men?! All you know is to fuck men! That’s all you can do!’. I just say, ‘Enough, please. It’s coming to an end.’ I gave us a decent life from my work. I told him, ‘You also wanted this. You had no work for three

long years. Our house, the condominium unit I gave you, the land we bought – all these things came from me and my hard work!’. But he has many other women. And he got one of them pregnant. I had so many opportunities. So many wealthy clients who still want my services today. Or who want me to become their wife or mistress. But I stopped myself. I refused them for my out of love for him. There are still times I wonder if I should have just taken these offers. I am not ashamed of my work. At least it allowed my family to experience a better life. This isn’t forever. I will be able to prove that I can stop.”

Bea experienced conflicting reactions from her family:

My family knows, and they are unhappy, but we need the money. When I do shell out money for them, they stop shouting and cursing at me. But when I don’t have money, I get shouted at and cursed out. If you have no money, they just don’t love you. You won’t even be invited to join them for meals. Even then, my life revolves around my family.”

For nine of them, their families have come to gradually accept their work. This was usually because, as Riza, 34, who supports her six children, explained, “My partner and children know and they understand I need to do it to support my kid.” Riza has a sister who is also a sex worker. Amanda, 36, was upfront with her family, “If I don’t do this, we will have nothing to eat. Why should I be ashamed? And why should you shame me?”. Her family was supportive, but she suspected that this might partially be because she also worked at a hospital, which is how she presented herself to other people. For some, this acceptance remained uneasy and sometimes begrudging. Their families regularly expressed concerns about their health and asked them to stop.

For three of them, their children’s acceptance of their work coincided with their willingness to take on semi-public roles representing the Collective in town hall meetings or consultations, primarily in the HIV sector. Erica used to say she was a seamstress, which was her main job. When her children were in their early teens, she told them that she also did sex work on the side. She revealed to them that her husband and their father was emotionally and physically abusive. With the support of her children, she asked him to leave the family. When asked about why she decided to tell her children, Erica said:

“The religious charismatic group to which we belonged harassed my children and bad-mouthed me to them when I was not around. This was after I welcomed them into my home and hosted prayer meetings for everyone! I confronted the group and told them, ‘You don’t feed my children with your so-called clean money, but you are happy to partake of food and drinks from my supposed dirty money’. My own kids understood and they know that this is how I managed to support them and give them a decent life.”

Nonetheless, even most of those who disclosed their work to families and friends also spoke about not wanting to dishonour their families and risk having their children bullied, so they did not publicly admit to doing sex work and took great lengths to conceal it from outsiders. Most of them presented themselves to outsiders as ‘plain housewives’, and the very few who held other jobs referred to those jobs instead when asked. Bea shared that part of living in secrecy is running the risk of running into clients, and that ‘emotional management’ is one of her skills: “I am also a City Hall employee, so that is what I tell most people. Sometimes, some of my customers end up recognising me because they also work at City Hall or do business there. It is a bit awkward but we just exchange knowing glances.”

Karen discussed the importance of maintaining boundaries for herself:

“I don’t tell people about my work. During my child’s kindergarten graduation, the person shaking the hands of students and their parents onstage was a local public official – and my regular client! We pretended not to know each other. When my neighbour offered to pay me for sex, I said no because I want to separate my work from my personal life.”

Rosa, 27, supported her child and parents and siblings. She sent her brothers to school. She had a small food business, but despite cooking and selling all day, her earnings could not cover her family’s expenses and she was constantly exhausted. She started engaging in sex work at 18, and would earn at least 5,000 per client. Her family thought she was a make-up artist who received payments and gifts from satisfied customers. She said, “People are disgusted by us sex workers, they don’t consider what we do as real work, they raid us and lock us up, so of course we hide it.”



Most of them expressed resignation and sadness at their difficult and ambiguous relationships with their families, and even about their need to conceal aspects of their lives.

### **Relationships with managers or third parties**

In anti-trafficking discourses, managers or third parties are portrayed as consistently abusive and exploitative. As discussed earlier, PCW (n.d.), in one of their briefs on the Anti-Prostitution Law, characterises individuals who sell sex as having been trafficked – ‘recruited, usually through deception, force or intimidation, and forced and kept into prostitution through threats or actual acts of violence’. Sex workers’ relationships with their managers, if they had any, were far more fluid than this depiction.

Some street workers deliberately chose to work on their own so could keep all their earnings and maintain control over their working hours. They explained that there were enough ways to signal their availability to potential clients and to negotiate with them on their own. Some of them worked with friends and acted as each other’s managers, almost like a loose cooperative, and regularly referred clients to each other. Several spoke with sarcasm and knowingness when elaborating on their choice not to work with managers. Anabel started in a bar as a singer, but moved to the street to work alongside friends. She laughed when I asked about having a manager, “No. Why? They would take almost half of my earnings! Why don’t they do the hard work then and I can sit here, fan myself and drink coffee, then ask for a cut?”. Many of them pointed out that third parties also had to compete for women to ‘manage’, and that they could discard an abusive manager and easily find another one. Some street workers did work with managers, with the latter taking a 15-25 per cent cut off their earnings. In these instances, the sex workers sometimes asked their clients for more money on the side. One of them described the arrangement as, “We ask them to find clients for us. They don’t force the clients on us. We are the ones asking them. If they are my boss, I am their boss too.” Rica, 18, began selling sex when she was 12, to support her mother and brother. She changes managers regularly and she and her friends recommend managers to each other. Merlie, 37, recruits managers on the streets as she waits for clients. She would approach them and mention her rate of 600-750 per client, with a 20 per cent cut for the manager, and work with whomever agreed. Merlie, Dina, and Maia each earn about 1,500 on some, but not all, nights.

Sometimes, they work with managers, but instead of giving the manager a cut off their earnings, they each find clients for their managers. In effect, each woman and her manager mutually refer each other to clients.

Mary, 47, supports her eight children. Because of her age, she struggles to find clients for herself. She works both as a manager and as a sex worker. She explained:

“Not all managers force women to sell sex. If women don't want to, managers cannot do anything. It might be easier to force women in clubs, but it's a lot harder on the streets. I also encourage the women I manage to get tested. I do so even for freelance sex workers who are my friends. I sometimes accompany them to social hygiene clinics because you know how shameful it can be. The moment you go there, they already assume you're a sex worker. And some of them look at you funny or say things like 'You deserve that STD you got', or when we come in groups, they say things like, 'Look, the whores have arrived'.”

Several of them had close personal relationships with their managers. When Amanda was diagnosed with HIV, she was terrified of telling her family. Her manager was the first person she told and she recalled crying on their lap for hours, while they comforted her. When Lorena, 32, got pregnant from having unprotected sex with a regular client, she was terrified. She needed an abortion because she was already supporting her three children and could not afford to raise another child or to stop working for a few months. Abortions are illegal in the Philippines and many women die or suffer permanent injuries from back-alley abortions. Her manager took her to an underground provider, paid for the abortion, and held her hand throughout. Several of them have also described their managers as 'like my mother' or 'like my grandmother'. Some borrowed money from their managers. For a few, their managers did not charge interest, which is valuable in a context where they have no other source of support and are excluded from traditional financial systems, with their only alternative being high-interest lenders.

Rica's manager tricked her into going to Pampanga, a city next to Manila, supposedly to attend a birthday party with him. Instead, he took her to a bar in Isabela, and 'sold' her to the owners. She was made to dance on top of tables for three nights, and told that she owed 7,500 for her travel and

food costs, despite only spending 350 on food. She escaped and approached a nearby policeman, who refused to help. She managed to board a bus back to Manila. She eventually found her manager, whom she referred to as her friend, and said he apologised and explained that he desperately needed the money. Rica vowed never to trust managers again, but added that her biggest frustration is with corrupt cops, who are the reason she needs to hire managers for protection in the first place.

Those who worked in bars openly recognised that the bar fine their clients had to pay to take them out was a sham. However, they preferred the relative insulation from police abuse in bars. Bar owners usually coordinated with the police to avoid being raided or to negotiate the release of sex workers a few hours after raids. Some of them described sex work as ‘de facto’ legal, if one is based in a bar. In their experience, bar-based sex workers who have been issued ‘pink cards’ by state-run social hygiene clinics are tacitly allowed to engage in sex work and just need to present these cards to the police when questioned. Nonetheless, several of them cracked jokes about how easy life was for bar managers. Amanda quipped, “Hello! She just sits there and waits. I do all the work. It’s my legs that are wide open all night!”. Usually, the sex workers kept between 50-75 percent of clients’ payments, and the rest went to the bar. They also received tips from customers and a commission from the profits from drinks consumed. For Bea, who worked in a bar in Olongapo, the bar took 60 percent of clients’ payments and she kept 40 percent, while profits from drinks were split evenly between her and the bar. Most of those who worked in bars, including Bea, covertly transacted with clients, especially their ‘regulars’, and kept their earnings. Riza worked in a bar that technically did not allow sex work and forbade customers from touching her or taking her out. Nonetheless, she saw clients at her boarding house. She preferred the bar because it was a good base for meeting clients and earning extra as a dancer and from commissions on drinks.

Most preferred not to have to rely on third parties. Nonetheless, they provided some reasons for why third parties were helpful or necessary: Merlie explained that third parties usually have connections with the police and facilitate the payment of bribes that allowed her to work in peace and avoid paying even more exorbitant bribes. Lorena suggested that working with a third party kept them safe because third parties helped screen clients and track sex workers’ whereabouts

when they went off with clients, “It helps to have someone who knows which motel I am at, and for how long I am expected to be with the client. It also signals to the client that someone is looking out for me.” Third parties are also more able to openly solicit clients without calling attention to themselves. Finally, several interviewees remarked that on ‘lean days’, when they were desperate for clients, they were more willing to agree to an arrangement where they split money on future work with third parties who could bring in clients rather than have no work at all. Having a ‘good manager’ in these situations was a comparative advantage. However, just like in other job markets, it may then mean that women who would have preferred not to work with third parties now feel compelled to do so. In general, they acknowledged that competition in sex work sometimes made third parties indispensable. Nonetheless, they attributed a disproportionate amount of the power of third parties to the restrictions around sex work and police corruption. This is because the formal and informal regulations around sex work do not allow them to advocate for themselves as workers, screen clients thoroughly, or protect themselves from abusive clients and members of the police. Managers, while not always ideal, are a source of protection against further precarity in that they may provide reasonable loans, help screen clients, offer emotional support and advice, and provide sex workers with clients and income opportunities in exchange for commissions.

### **Interactions with clients**

The common portrayal of clients in anti-trafficking policy discourse is that they are predominantly violent and abusive men. In the next chapter, I problematise the emphasis on clients’ morality as a basis for granting workers rights. As discussed in the previous chapter, sex tourism and the imagery of foreign clients exploiting local women is a prominent theme in the media stories and academic literature on prostitution in the Philippines. The reality, based on my interviewees’ experiences, is more complex. Clients and sex workers’ interactions with them were far from monolithic. Except for two interviewees, everyone thought that the police were a greater threat to them than their clients. Most of their clients were Filipino men. Those who were bar-based reported a higher number of foreign clients, but they still entertained more local men on balance. Those who were street-based reported having almost exclusively Filipino clients. They noted with irony that a significant number of their clients were policemen, male politicians, and religious leaders. A leader of the Collective noted that despite the public moral pronouncements made by these actors

against sex work, there is clearly an informal moral sub-structure that condones it. The cost of this hypocrisy is disproportionately born by sex workers, they added. Politicians and religious leaders are able to fashion themselves as ‘moral entrepreneurs’ who champion policies that protect the community’s virtue while some of them pay for sex on the sly, and it is the sex workers who are left to absorb the consequences of stigmatisation and criminalisation.

### *Interactions as risk management and emotional performance*

Most of them used condoms with their clients. Some of them paid for the condoms, others made the clients pay for them, and a few others got them for free from city health officers or the bars they worked for. Several of them acknowledged that they were willing to forego condoms with trusted ‘regulars’ and use the ‘withdrawal method’ instead. Others said that if the customer offered to pay more and they needed money, they agreed to no condoms.

Around half of them thought that their clients were primarily interested in sex. Some, however, thought their clients were also interested in conversation and being made to feel good about themselves, or were struggling emotionally. Anita was emphatic that it was not just always about sex, “Some men are looking for a companion or someone to talk to.” Erica said, “It’s not just about sex. There’s always a lot of talking, cuddling, and they take me out to dinner first. I feel special. They give me importance.” This affected their approach towards clients. Many of them conceived of the differences in their interactions with clients as ‘sex only’, ‘sex with the performance of intimacy’, and ‘sex with actual intimacy’. Some of them spoke positively about their ‘regulars’. Abigail and Teresa described their regular clients as ‘good men’ who treated them well. Teresa said that they solicit clients in streets or inside malls, but in subtle ways that conceal what they are doing. Regulars went out of their way to make sure they did not feel disrespected during any stage of their interactions/ “In the beginning, he would carefully approach me on the street. Now, he brings me food. He makes sure I am not exposed”, she said. To others, it just ‘seemed like a date’. Abigail described another client as “regularly checking in to ask how I was and offering to send me food even if I wasn’t meeting him on that day.” Some of these regulars willingly paid more than the agreed upon amount without any prodding from the sex workers. Nora recounted several emotional affairs that accompanied her sexual encounters with these types of clients. Several of

my interviewees shared that some clients tended to be ‘loyal’ and sought only the same sex worker over time. In this case, they either felt genuine fondness for their clients, or were at least willing to project affection to reciprocate their clients’ gestures. For example, they would engage in conversation, even providing marital advice and emotional support when their clients talked about difficulties at work or in their marriage. Erica said, “As a sex worker, I am open-minded. In our culture, people don’t talk about sex, even in their marriages. Clients can talk freely and openly with us.” Anita added:

“Even if it’s sex, it is not just about sex. I sometimes feel like a counsellor. They probably feel safer with us. We are discriminated against in society, so they feel less conscious around us. They are not ashamed. We do not judge them or their kinks. So yes, they want sex. But sometimes it is more than that.”

With regular clients, they built some form of shared history consisting of ongoing conversations, remembering their clients’ sexual preferences, and meet-ups that did not involve actual sex. They would also freely provide massages or other forms of non-sexual contact, and in some cases, stay over for the entire night and sleep next to the client. Nora shared that she naturally became friends with clients. She even got into an actual relationship with a client, but he was married: “It is sometimes inevitable that you fall for your regular clients, especially if they treat you so well.” She said that in these situations, it was also important to keep their own emotions in check because even the nice ones come and go, or they may move on to another sex worker, and that it is genuinely possible to ‘get your heart broken’. “It is both difficult and exciting”, she added.

All of them, however, viewed most of their clients as largely a source of income and as ‘risks’ to manage. They deployed a range of emotional strategies during the negotiation process, including deciphering whether a client preferred talking and banter first, or just wanted to ‘get down to business’. “Ask them questions about themselves, but don’t ask overly specific questions because that might make them defensive”, Karen said. “Compliment them. Laugh at their jokes. Allow them to touch you sometimes, but not too much ... you need to seal the deal first”, said Mariel. “Make them feel special. They know your job is to have sex with men, but some of them want to feel special anyway,” Teresa said. Of the actual sex, Marita said:

“Gauge the situation. If it seems like something the client will like it, then fake an orgasm. But men are different. For some of them, don’t pretend to enjoy it too much. They might think that because you got something out of it, you don’t deserve to be paid anymore.”

“For some clients, especially regulars, it might work if you talk to them about your financial needs and family problems. For some of mine, I talk about how I support my sick mother and my son. They usually give me more money. Maybe they care. Maybe they are guilty,” said Nora. Tex from the Collective threw in a tongue-in-cheek comment, “Some men just want to feel like saviours, and so we should give them what they want.” Amanda joked, “Foreigners like my brown skin. They think Filipinas are very sweet and caring. They want us. And I want their money.” Several said they tried not to ‘poach’ clients of fellow sex workers, or to ask for permission first.

When I asked about the steps they took to protect themselves from clients, many suggested that they have learned to screen clients well and avoid those who are under the influence of drugs or those who are visibly intoxicated. They shared information on abusive clients with each other. Elsa emphasised the importance of working together, “We look out for each other. We protect each other against bad clients. You really cannot rely on anyone else. If you’re worried, you text a friend to let her know where you are.” Mary said, “You need to listen to your gut. The moment I ‘feel’ something is wrong, I leave. I have walked away from a motel room. I have changed my mind even before entering a motel with a client.” Marita also shared that she would leave at the slightest sign of danger. For example, when she realised her client had a gun, she left him while they were still walking in a public street. Mariel said:

“You need to be alert. Of course at the start, you need to be sweet. You show lots of affection and tenderness. You need to project that you are demure. But the moment you have the money, it’s like you’re possessed. You transform. You become firm. You lay down your rules. And if they break them, you run. I don’t expect the police or local government officials to help me. We are on our own. You need to learn how to act and negotiate.”

Sandy and Amanda agreed with this. Both said that they usually fight back and refuse to tolerate clients not putting on a condom or demanding services that were not included in the initial agreement. Abigail said she asks for the payment before engaging in sex acts to be sure that she is paid and because “They are taking up my time and services.” At least half of them agreed with this strategy. Alissa said, “You need to be hard. This is a hard profession. Don’t let yourself be afraid and don’t show fear. If you do, you will get exploited.” Imelda added, “If you can’t handle the situation, or he is breaking the rules, kick him or throw something, and run.” Maria said:

“Recently, a client paid me only half of the agreed amount and refused to let me go. I fought back. I shouted at him and demanded he pay me the full amount and some extra for keeping me longer. In the end, he did. In those situations, I just make myself stronger for my child.”

#### *Abusive clients*

Most of them have generally had overall ‘normal’ interactions with clients, which they defined as non-threatening but also nothing special. ‘Business as usual’, as some of them said. However, fourteen of them said that while most of their clients adhered to their agreements, they did experience abuse from one or two clients. Most of these incidents took place after the passage of the Anti-Trafficking Law in 2003. Rica had a customer falsely accuse her of stealing his watch, and he hit her on the back and ripped her clothes off. The people in the adjacent room at the motel heard her screams, and the customer was taken to the police precinct and temporarily jailed. She did not press charges. Another time, a customer fled after sex without paying her. She managed to get the motel to reimburse her. According to her, it is quite common for sex workers and motels to have internal agreements, akin to a management arrangement, whereby sex workers bring clients to the motel in exchange for the management allowing clients to check out only after a signal from the sex workers. A drunk customer also poured hot water on her when she insisted he put on a condom. “He seemed to be really angry at all sex workers,” she said. The people outside the hotel heard her cries and the client was beaten when he left the hotel. Lenny was gagged by a customer who threatened to hit her with the telephone if she made any noise. She was rescued by the hotel staff. She did not report the incident because of previous traumatic experiences with the police. Merlie was beaten in a motel room by a client who was extremely rough and violent. She did not



report it because she was afraid of both her customer and the police. When another customer refused to pay, she reported it to male *barangay tanods* and he was jailed until he paid her. When a potential client groped her on the street, her friends beat him and called the police. He was forced to settle and she took his money and did not press charges. Mariel had a customer who refused to put on a condom but also refused to pay extra. They fought and he beat her and strangled her. Her male partner was waiting outside the motel. They tracked down the customer and had him arrested. The customer settled, but the policemen got a cut (1,250 went to Mariel and 1,250 to the policemen). “There was an expectation that they were entitled to a cut because they settled it,” she said. Faith’s niece, also a sex worker, was raped and held up by a customer then flung from a moving car on to the street. The perpetrator was arrested and jailed. Karen narrated that a customer made an agreement with her for 12,500. When she arrived at the hotel lobby, she was met by three other men instead. She said she already had a bad feeling about going up to the hotel room with them but did so anyway. She was forced to use drugs with them and anally raped. She considered jumping off the balcony. They eventually let her go and paid her around 3,000 only. She recalled, “I felt so cheap and low and dirty and I was crying on the taxi ride home on the way to my child’s birthday. But at least I had money for a small celebration”. Clara had a customer who refused to pay and tried to steal her money. He would not let her out of the hotel room. She belatedly realised that he was probably under the influence of drugs. Her husband, who was aware of her location, entered the hotel room by force. She recovered her money. Like Maria and other women, she added, “I remind myself that I do this for my child. That gives me strength.” Christine’s customer beat her and pushed her off the stairs. She threw plates at him. They went to the hospital, then the police. She was about to get jailed, but she pleaded. She said, “The police didn’t seem interested. They suggested that the client and I could sue each other and end up in jail, or we could leave peacefully, so we left.” Imelda’s customer banged her head against the wall and covered her face with a pillow. Hotel staff heard the sounds and rushed in to help. She reported this to the police but was told that both she and the customer would face legal action because prostitution is also illegal. She dropped her complaint. Sara had a customer who was under the influence of drugs and tried to kill her. The hotel staff rescued her. Both she and the customer were subjected to an inquest and they were both threatened with jail. Elsa said that a couple of customers have slapped and hit her. “Just keep fighting. We help each other. The hotel management usually helps us. As much as possible, leave the police out of it,” she said.

### *General unwillingness to report abuse*

When I asked if they had reported abuse, or would consider reporting any hypothetical abuse, I received a mix of answers, but majority of them indicated otherwise. In this section, I reflect on their responses to the specific question of reporting abusive clients, which inevitably involves a discussion of their experiences with the police. In the next section, I explore their relationships with the police in greater detail, including with clients who were also policemen. Fiona, 31; Yeng, 18; and Maia have all experienced abuse by clients and strangers but did not report it. Fiona had a client who paid less than what was agreed upon and another time, her house was burgled and she was almost raped. Yeng had a client who refused to pay. Maia was beaten by a customer. Fiona said policemen regularly cursed at her and threatened to plant drugs on her. “Once they have identified you, they keep coming back for money. I moved locations and I don’t want to be identified again,” she said. Yeng expected the police to force her to pay bribes and Maia said that she knew the police would side with her abusive client anyway, so she would rather rely on herself and her friends for protection. Lydia explained that if their clients were poor and they reported it, the police could not be bothered to take action because there is no ‘settlement money’ for them to get a cut from. She said reporting would just be an interruption to her work. Erica explained that the police are unlikely to give her a fair chance and that the process of filing a case alone is long, painful, and expensive. Nora once reported an abusive client and was told by the police officer to have sex with him first before he would assist her, “I felt so degraded. He said I sold sex anyway so I should expect this. He also said that I don’t work in a church so I don’t deserve to be treated like a nun.” After this, she vowed not to report abuses again. Bea once reported an abusive client and was accused of stealing things from him. The cops told her, “Why are you complaining ... and how can we trust a whore?”. Her conclusion from the experience was that she will not be taken seriously if she reported abuse. Karen, who was misled by a client and raped by three men, refused to report the incident. “They will tell me that I should have expected it,” she said. Clara refused to report abuse because she was convinced clients would make up allegations and turn the tables on them. Teresa said,

“It’s not going to work. The clients who can afford will just bribe the police. They do that already. So this whole system – it’s just in place to enrich the police. But it can be very

disruptive to our lives if we are caught or jailed. So once you figure out that the police just want money but don't really care about the law, you just work around it."

Others feared for their children. Ada, 21, was told by a cop, "Does your child know what you do?". Maria was convinced that reporting would just lead to cops confiscating her personal money. Alissa had a very emphatic warning, "Never trust the cops." Marita worried that her clients probably had connections to the police or could very easily pay them off: "I don't stand a chance. They will flip the story on me." Once, she did complain about an abusive client, and the cop's response was to laugh in her face, and say, "You? You want me to believe YOU got raped?"

In life-threatening cases, however, some of them did call the police. Corinne's client pointed a gun at her and forced her into a van. Her friends reported it and a SWAT team rescued her. Mary, who works both as a manager and a sex worker, had a more optimistic view – she said she is likely to report abusive clients to the police and has accompanied one of her 'wards' who was beaten to the police station, and the customer was apprehended and forced to settle. Amanda said 'the police are her friends', and she will report abuse if it happened. Amanda had a different strategy, one which she said her friends also deployed. She made friends with the police and regularly had 'police boyfriends', which I discuss further in the next section.

## **Legal Awareness**

Most of my interviewees understood the legal status of prostitution as forbidden and they were aware that they could get arrested. A minority of them had different answers, such as Amanda who said that once someone had a 'pink card' in their possession, it was a de facto license to engage in sex work, and Alissa, previously rescued by an anti-trafficking task force when she was a minor, who thought it was not illegal at all. Rina said that regardless of what the law says, prostitution is really not forbidden, and that "it's all about the money" and that "as long as you pay the bribe, it's allowed". Yang and Janice had the same view. Teresa and Abigail, 22, explained that they were sometimes arrested for other things such as gambling, littering, or loitering, but they knew that it was really because they sold sex. Most of them said it was unclear to them why their work was illegal. Nora, on the other hand, said that being establishment-based afforded her some protection.

To her, it was almost as if her work was legal because the owner of her bar had an arrangement with the local police and was tipped off before the raids.

When asked about ‘human trafficking’, or ‘trafficking in persons’, thirteen said they had not heard of the term, and seven of them thought it pertained only to the forced labour and sexual exploitation of minors. Teresa and Abigail also voiced their disapproval of this practice. Abigail said, “And we really should not allow it for minors. Those kids are just like our kids. We are mothers, too. We don’t approve of kids selling sex.” Teresa added:

“People should not pimp kids. But you know, I know many young women – still minors - who came back to sex work after being ‘rescued’. I don’t think the rescuers really helped those children. The promised financial assistance never came. The DSWD shelter was worse than a prison. They lived like pigs – the food was expired and you had to chop wood to earn your place. I think adults experienced the same thing.”

Christine, Maia, and Dina said they were confused about the issue. They have been told by the police that their clients would be charged with trafficking. However, they were also told that they were doing something illegal. Christine said, “We do not know who is on our side. We are always the bad guys. We always lose.” The rest conceived of trafficking as ‘selling people’ or ‘forced labour’. Sandy said it might have happened to her cousin, who was recruited and taken to a *casa* (brothel), and never heard from again. Nora said that she was likely to have experienced it during her second deployment as a migrant worker to Singapore, where she was told she would be a singer in a band, but then taken to a *casa*. She and her companions escaped and were chased by the police and turned over to immigration officials. Their recruiter vanished. She added, “The sex work I do now – that is not trafficking. I choose it. We choose it.” Anita said:

“I got trafficked. I knew I was going to do sex work in Malaysia. But many promises were made that were not met. We got put in a *casa*. We were not allowed to complain. Still, I gained confidence in knowing that I am beautiful and clever, which my customers told me. I discovered more of my skills and talents.”

Most of them had not encountered anyone who tried to explain their rights and the law and policies on sex work to them. Amanda, who holds a ‘pink card’ and works in a licensed establishment, has had training from City Hall and the City Health Office. Karen’s boss at the massage parlour discussed her rights with her and taught her how to use condoms. She was also made to attend a seminar at a government health centre. The members of the Collective who also work with HIV organisations have received some training from those organisations and work as peer educators themselves. Some sex workers received free condoms but no additional information, likely from Department of Health outreach workers. They said this was very irregular. Alissa learned a little bit about her rights from the social workers of a leading anti-trafficking organisation that rescued her when she was a minor selling sex. Five of them had encountered representatives of anti-trafficking organisations who approached them on the streets to discuss the harms of sex work with them. Merlie said, “They provided me with information, but no real help”. Bea was offered assistance by WeDpro, a women’s rights group discussed in Chapter 3. It was not enough:

“I was invited to a seminar in Subic by an NGO – WeDpro. They offered to send me to school. I had to work late nights after school. It wasn’t doable, especially with my child. They provided me with a small stall to sell barbecue outside the bar I used to work at. My friends and former clients would walk by and encourage me to just go back in and go back to my old life. I held firm for a few months. I really tried. I wanted to stop for my child – so that he won’t be bullied in school when his friends find out his mother is a whore. But I can’t. We need the money. Now, I sell baked goods and cooked meals on the side, but it’s not possible to give up sex work completely.”

Elsa, 33, who supports her child and former husband, was recruited as a domestic worker and ran away from abusive employers. She found herself homeless and sleeping on sidewalks, where she was often hungry. Once, she was beaten up by a random group of men. She then decided to apply to a beer house. According to Elsa, “These anti-trafficking NGOs promise things but give us nothing in the end.” Imelda said she was invited by CATW-AP to attend their rallies and paid out of pocket for her fare because they promised to provide her assistance. She followed up but never heard back. Sara, 38, supports her two children and current partner. She is a street worker and said

that sometimes, her income is still not enough for their needs and they sometimes go hungry. She shared:

“There is an anti-trafficking NGO (CATW-AP) that does outreach on our street. But they don’t give us anything real. This NGO promised us financial assistance if we attended a rally for women’s rights and against trafficking and prostitution. I pinned my hopes on them. I brought my child to the rally. It was very hot and we were hungry. We paid for our own fare. We even travelled all night. We were made to fill up so many forms and produce several identification documents – supposedly for clearance. Nothing happened after that.”

### **‘The Police are our pimps’: common experiences of police abuse**

I prepared a few questions on the role of the police in sex workers’ lives, but I did not anticipate sex workers’ interactions with the police to emerge as possibly the most dominant theme in my conversations with them. As established earlier, many of my interviewees were unwilling to report abusive clients or managers to the police after experiencing being shamed for doing so in the past, or for fear of being extorted or jailed themselves. Some of the women I interviewed felt very strongly that the violent war on drugs declared by Philippine President Rodrigo Duterte, who won a landslide victory in 2016, has changed their interactions with the police for the worse.

In this section, I examine my interviewees’ different encounters with the police. Some encounters fall under anti-trafficking interventions, while some are just interactions between sex workers and the police that happen outside the official remit of the anti-trafficking sector, but nonetheless contribute to the overall vulnerability of sex workers. Rescue operations (as opposed to straightforward arrests) are discussed in more detail in Chapter 6.

As mentioned in the previous chapter, the confusing mix of laws that govern prostitution creates a situation that I describe as ‘precarity by law’, because it allows the police to completely determine the terms of their engagement with sex workers. In fact, eleven of my interviewees said they did not know their rights vis a vis the police and were not sure what the police were legally allowed to do to them. Only Amanda and Riza were confident that they knew their rights and that the police

could not arrest them because they were employed by a licensed nightclub. A few others said they understood their basic rights. Most of them claimed to somewhat know their rights in relation to the police, but with less confidence, because they just learned from each other, or from what they heard on television. Nonetheless, except for Amanda and Riza, they all said this knowledge did not matter because the police could act with impunity. Sometimes members of the police conducted raids with the aim of arresting women and third parties, or extorting money from them. Other times, they conducted ‘rescue operations’. The women never knew what to expect. Incidentally, most of my interviewees referred to street raids in the past and the present (my interviews with them took place in 2017 and 2018), where the police would either aggressively break them up and drive them off the streets or arrest them, as *bagansya*, which means ‘vagrancy’. However, the Philippines decriminalised vagrancy in 2012, precisely to avoid arbitrary arrests against the poor. This means that either my interviewees misunderstood the purpose of the raids, or that these raids were indeed arbitrary and illegal. Teresa, for example, got arrested for ‘loitering’ and was in jail for three days. She was also made to undergo a medical exam and had to pay 3,000. There is no legal basis for this arrest and penalty. In 2016, Imelda was arrested, jailed, and fined, during a period where she had temporarily stopped selling sex. She just happened to be standing on a street, where other sex workers were soliciting customers. The cops explained that she was being arrested for ‘being in the company of people of immoral repute’, which is based on a repealed vagrancy law. My interviewees also reported having been subjected to raids where police officers used anti-trafficking as a cover to extort money from them, their clients, and owners of commercial sex establishments. Dina said that in 2015, there was a sting operation on her street. “We were all caught and taken to a precinct. They said their reason was that there were minors among us. But we were all adults! Each of us still had to pay 2,500.”. She added, “We don’t pimp minors. They make this up to pretend they have a real basis for their operation to harass us and take our money.” In the previous chapter, I explain that these stories have been validated by many other researchers.

### *Raids and arrests as a locus of abuse*

Raids and arrests have been a locus of abuse for my interviewees. In terms of what happens during raids on street-based workers, most of my interviewees were convinced that the odds were strongly against them. Emma, 39, said, “They can catch us, they can drag us around, they can hurt us, they can scare us and take our money and just drop us off somewhere very far away. I am afraid of

them.” Emma’s husband had been recently killed by the police in anti-drug operations. Mariel said, “We know that it is wrong for them to abuse us and demand bribes, but we are helpless.” Lydia agreed, “I know my rights but I prefer to ‘settle’.” Lenny lamented, “Why are they catching us and not the actual criminals? It’s because they can bully us and take our money but they are actually afraid of real criminals.” Teresa said, “The real criminals take revenge on them, but we can’t.” The fear that the police may file different charges against them to keep them in jail and make money off them, or that the police may plant illegal drugs or other banned items on them, is shared by most of my interviewees, after having experienced these abuses themselves or because they had friends who did.

Lenny said that when she and several friends were arrested and taken to a precinct, other cops not involved in their arrest asked the arresting officers, “Do you have women with you? Share them with us!”. When Clara was caught, she was made to dance for the officers and raped. During a raid, Lorena was beaten by a cop with a metal bar when she tried to flee.

Dalia and her friends ran during a raid on their street. The cops shouted at them, “If you don’t want to be humiliated you will surrender!”. When they did, they were dragged into a van with no explanation of their rights. They were locked up for the weekend.

Fiona said she and her friends have been regularly arrested, jailed, and released for a payment of 350 each. Their rights were never explained to them. Sometimes, “It’s not even the police who arrest us, but the people who do errands for them, or their informants. Or sometimes, it’s police officers who are off-duty and in their civilian clothes.”

Lenny was caught and jailed for three days. She paid 600 to the cop who caught her to buy her release. The other cops asked for money too, “That’s his. What about mine?”. “They turned me into a servant and made me clean their office and the jail cells”. When she glared at them, they shouted at her and told her to follow instructions.

Merlie said that a drunk police officer arrested four of her sex worker friends. Three were released because one had a license as an ‘entertainer’ and two posted bail. The one left was raped in the precinct. “Sometimes if the cops involved in the arrest or their informants fancy a woman who is caught, she is given to them for sex. It happened to a friend and me in 2010. We did not complain.”



The same thing happened to Lydia and her friend who were arrested and raped in exchange for their release. Merlie added that in entrapment and sting operations, the policemen pretend to be clients, then bring women to the precincts and take their money and phones. Between 2006-2011, she was arrested in raids four times and subjected to an inquest once. There was media involved and their faces and bodies were exposed. They were not informed of their rights nor of what would happen next. They were released upon paying fines.

Jewel was arrested in 2010. She was jailed for a day, paid 750, and was released. There were only male police officers in the raid, and they pushed her and her companions into a van and took them to a precinct. They were told, '*areglo o kulong*' (settle or go to jail). The police had said that someone was held up, so they were taking all the women in. "Why do they expect us to turn in the thief? We didn't know them! It is the police's job to find them – why are we responsible? And even if we knew the thief and snitched, what if they took revenge on us?". After the raid, they went back to selling sex 'like nothing happened'.

Rina was arrested on a night she had no money. She could not afford the bribe money required by the cops. Despite her shame and fear, she had to call her stepfather to provide the money and bail her out. Rina, as mentioned earlier, had been raped by her stepfather, which was her reason for leaving home and entering sex work. Police corruption forced her to seek assistance from the very source of her trauma. She returned to sex work right after because she needed to buy milk for her baby.

A police officer arrested Anabel and took her to a precinct, where he threatened her and raped her in the bathroom. She had her period and asked him to stop but he refused. She recalls crying herself to sleep in the jail cell. "He was following me around before that. He was targeting me. He had been targeting me for a long time," she explained. She was too afraid to report it: "I didn't know how to explain why I was arrested in the first place. What reason do I give?".

Mary and Faith were arrested twice, and Mariel four times, all of them in street raids over the period of 2010-2015. Mary was locked up in City Hall jail for a night and paid a fine the next day. She was made to wash dishes and clean the police officers' office. During her second arrest, she

recalled them saying as they dragged her and her companions into a van, “We have an operation to clean you out.”

Faith traced her most recent arrest to an unhappy customer who complained about a fellow sex worker. “We were all caught and I was jailed for a month!”. During her first arrest, she and her companions were told, “This is an operation. You are pests! You are a nuisance! You give us extra work!”. There were social workers, she said. These social workers aggressively interrogated them about why they chose to sell sex and told them to stop. “But the cops have sex with us and don’t pay for it! Are they going to give us better jobs?”, she added.

Elsa and her companions were dragged into a van and thrown in jail after one of their clients complained. The client was beaten by bystanders who had witnessed him physically abusing a sex worker. The client insisted that sex workers were responsible for the beating. The women were locked up for one year on charges that were never explained to them. They were released after they each provided a bribe of 10,000.

Some of my interviewees who were establishment-based were less fearful of raids. Sandy said very matter-of-factly that they generally stayed calm during raids. Her bar manager bribed cops to tip them off, so they usually knew in advance and would dress up as servers or band members instead. In the worst case, some women would be arrested and taken to City Hall, but their manager paid the fine and they were released and went back to sex work. Nora said that her bar owner colluded with cops, so none of them genuinely feared that anything bad would happen to them. When cops raided her bar, dancers would be arrested and taken to the precinct, then the bar manager would pay a bar fine of 1,500 per woman, and they would be released on the same night. “The bar owners and the cops split the fines paid by the bar. They all know each other and cooperate with each other”, she explained. Karen had a slightly different experience. The bar she was a dancer at was raided by the Criminal Investigation and Detection Group of the Philippine National Police. A day before that, a customer who was a cop wanted to take her out but demanded to pay a discounted bar fine, which bar management refused. She was jailed for four days. The police gave a vague explanation about the bar not having a license. She and her fellow dancers were forced to dance and perform for the police officers at the precinct. There were no social workers involved.

### *Everyday extortion*

Some of my interviewees described being abused by police officers in everyday situations, not just during raids. Erica narrated an experience where a police officer patrolling on his motorbike blocked her path, saying “I will let you go if you have sex with me.” She refused, and he got angry and grabbed her wallet, taking 1,250, the only money she had with her. Lorena explained that police officers would regularly drive up to where she and her friends stood while waiting for clients and say, “When we come back, we better get some money from you for food and gas. You’ve been standing there all afternoon!”. They do not fight back because the police officers threaten to kill them. Rina’s neighbour who was a policeman randomly threatened her with an inquest without giving her any explanation of her rights. He would ask for bribes, which she just paid. Teresa and Abigail have had cops pour urine all over them, for the sole purpose of humiliating them. One of the cops pointed his gun at them, and they were too scared to fight back. Lenny said that cops regularly swarmed around her and her small group of friends when they were waiting for clients. One of the most traumatic exchanges was when cops demanded money from them and she begged, “Sir, why are you forcing us? We really have nothing, Sir,” and a cop responded by pointing his gun at her and shouting, “Who do you think you are? Just give us what you have and shut up!”. During these incidents, the police officers reversed their identification cards to hide their names. Janice reported a police officer who raped her and was told that he would be removed from duty. When she went to another area six months later, she saw him there working as a policeman.

The abuses committed by the police against sex workers do not just affect those who were directly victimised. They create a climate of fear, where even the threat of getting caught forces sex workers to take steps to protect themselves. The ways available to them are severely limited because of the illicit nature of their work. Rica described an elaborate micro-economy of police extortion that took place in her area. The police would appoint one of the sex workers to collect weekly bribes from everyone operating in the area in exchange for not arresting or harassing them. The bribes ranged from 1,250 – 1,500 for each woman every week. She said:

“This system pits us against each other. Some girls on our street pay bribes to the police, but my friends and I don’t. They see us as trouble-makers because our resistance means that our street could be raided. They turned my friend in. They also told clients I had STIs.”

Rica said that because she and her friends do not pay bribes, they usually get smacked in the heads by roving cops and beaten. They are often forced into more secluded areas with less access to customers. Merlie said that she just personally dropped off bribe money of 500 at the police station once every week to avoid the bother. Rosa, whose clients are wealthier, does the same, except with 2,500 per week. Fiona, Janice, Yeng, Abigail, and Teresa turn over the same amount weekly to ‘collectors’ assigned by cops. Several of them explained that the police have regularly used ‘female assets’ to infiltrate groups of sex workers and arrest them, which aligns with the strategy described by the chief of the NBI anti-trafficking unit in the previous chapter. Lenny said she paid 50 a day in bribes, and those that don’t pay should learn to ‘suck it up’ and hide themselves or expect to be arrested. Dalia said she sometimes pays up to 750 in bribes per day. Clara paid about 500 - 700 per day. This money they pay is pooled together and divided up by cops across precincts, she explained. “We are scared and we have no voice. If you complain, they will harass you and jail you.” She validated Rica’s stories of how some sex workers cooperate with cops to bully other sex workers into paying bribes. “The cops are the real enemy and we shouldn’t forget that,” she added. Nonetheless, they were mostly in agreement that even paying bribes is not a guarantee anymore, especially closer to December, when household expenses increase, or in the current war on drugs, when cops have become more vicious.

When Amanda worked as a freelancer, she decided to ‘befriend’ the police in her area instead. “I offer free treats [sexual services] so they tip me off on raids,” she explained. “You can tell when they have started to trust you or like you. During the first few times, they take their gun with them when they use the bathroom. Eventually, they are comfortable enough to leave it in the room with me.” Amanda was under no illusion about the exploitative nature of these arrangements. To her, they are calculated survival strategies, “They are pigs. Appealing to their kindness or morality will not work. I give them something they want, they give me something I need. I have to, because my hands are tied. It’s in the law that my hands are tied.” Bea said that she avoided arrest because she was ‘popular with the cops’ and many of them were her clients. They would even let her friends go. Her strategy was not foolproof, however. Her boyfriend, who was a cop, had her arrested twice because he wanted her to stop selling sex. In 2005, she was arrested and locked up for a month. She tried to escape during the raid but she got caught and was made to walk through crowded streets with the police next to her and extensive media coverage, which she described as traumatic.

She kept asking about the charges against her but received no answers. While in jail, she sold sex to wealthy prisoners.

In other situations, police officers were also clients. Lenny said that her client who was a policeman hid his ID. After sex, she went to the bathroom and he left without paying. Even after she complained to the hotel management in tears, they refused to do anything. They also had her followed to ensure she did not file a complaint at the precinct. Dalia's police client refused to use a condom and beat her when she resisted. The hotel management took his side and she was temporarily detained at a precinct. My interviewees seemed to agree that they had a better chance of getting hotel management to take their side against abusive clients who were not cops than those who were cops. Rosa managed to escape from a police officer who was her client: "He wanted me to leave my job for him. He threatened to kill me. I ran from him. I did not report it. If I did, I would be dead now." Most agreed that if the client was a cop who refused to pay, they would just let it go. "We would get arrested otherwise," Elena explained.

#### *Duterte's War on Drugs and increased violence against sex workers*

President Rodrigo Duterte, who was elected in 2016 by a large margin, ran on a platform of saving the Philippines from a 'drug crisis'. Since then, he has granted the police greater power and control over civilians in their pursuit of drug users and sellers (Human Rights Watch, 2020). Most of the people who were killed without trial – at least 5,000 based on the police's own estimates, and above 20,000 based on estimates from credible civil society and media organisations – have been from impoverished urban areas. These deaths have been widely documented and criticised. They are not, however, the only negative consequence of Duterte's policy. Sex workers have also been disproportionately harmed by the campaign because the drug war has increased their pre-existing precarity in Philippine society (Parmanand, 2019).

"In the past, I could still shame the cops who were trying to extort from me. I would ask if they were proud of themselves for taking the money for my child's milk," explained Teresa, to describe the shift in her relationship with the police. "I would taunt them for being too cowardly to go after the real criminals instead of us helpless women. Some of them would leave us alone after. But things have changed now. We do not fight back. We are too scared." Abigail said that prior to

Duterte's administration, she got arrested between two to four times a month. Each time, she paid 600 to get out. She said arresting cops would usually offer to 'just take her out for sex instead' and her response would always be, "Just jail me". Most of the time, she was released after paying the 'fine'. Recently, a police officer said to her, "I'll just plant drugs on you so you can't be released anymore". "The drug war has made it so much harder to reason with cops," she said.

There are credible allegations of drugs being planted on individuals and their property to justify criminal charges or police violence under Duterte's current drug war (Human Rights Watch, 2020). It can be intuited that sex workers are significantly at risk of experiencing this because references to the connection between illegal drug use and the commercial sex industry predate Duterte's war on drugs. This link has been used not only by groups that seek to preserve the criminal status of sex work, but also by prostitution abolitionists to demonstrate the vulnerability and lack of consent of sex workers (Enriquez, 2015). Based on my interviews, it seems that corrupt police officers have taken advantage of the war on drugs to weaponise the common association of sex work with drug use. Many of the sex workers I interviewed had police officers threaten to plant drugs on them if they did not pay bribes or give in to sexual demands. Clara was approached by a cop who asked her to come with him so he could ask her a few questions. She found herself in a precinct, being accused of a crime. They took her phone. She said they also threatened to plant drugs on her. She was made to dance by the arresting officer, but another officer stepped in and stopped it. However, the former still took her to the toilet and raped her. "I couldn't defend myself", she said. "Nobody cares about poor drug addicts dying. They care even less about poor supposedly drug-addicted prostitutes!". Many also lamented the loss of clients and income. Regular clients are staying away from the bars and brothels, where anti-drug raids frequently happen, because of the very real risk of getting shot or extorted if found there. Unsurprisingly, their clients who are also police officers are still around.

Many of my interviewees coped by paying higher bribes. "We pay the same amount weekly that we used to do monthly!", said Clara. They also attempted to be less visible when soliciting clients, even if it reduced their earnings and forced them to operate in less secure areas. Several who used to operate independently were increasingly relying on third parties who offered protection based on links with the police. Three of them were strongly considering shifting to online spaces to solicit clients. Most of them could not afford this and did not understand technology well enough. Many

said they were unlikely to bring up these abuses to academics or journalists they did not fully trust for fear of their identities being disclosed to the police. Some also said that they were less likely to disclose their status as drug users to state health care providers for fear of their private information being transmitted to the police. A few who were HIV positive have been forced to disclose their status to police officers for fear of being killed by the police if they failed mandatory drug tests because of the substances in their anti-retroviral drugs. The increased precarity of sex workers in the war on drugs has been absent from its critiques and the leaders of the Collective saw this as an injustice. The Collective did issue a call for solidarity with drug users four months into Duterte's term (NSWP, 2016). With popular support for the drug war, however, they worried about raising the issue aggressively because of the risk of being misrepresented as arguing in favour of drugs and inviting more violence against sex workers in the very simplistic and emotionally charged public conversations about illegal drugs.

## Conclusion

Most of the women I interviewed did not have a university education, which is an entry-level requirement for many jobs in the Philippines (Tandon and di Gropello, 2010, p. 62). Many of them did not have a secondary school education as well, which further narrowed the scope of jobs for which they could apply. Sex work did not require prior training or qualifications. It did not require an explanation of gaps in work records. They regularly brought up 'endo', a common labour practice in the Philippines, as a barrier to stable work. This practice involves companies using short-term contracts to avoid having to honour the fees and employee benefits that come with regularisation (Ofreneo 2013, p. 453). Sex work also did not require much capital. Very few of them could realistically pay for the upfront costs of working overseas as entertainers or domestic workers, such as the training and placement fees, and they expressed a fear of physical and sexual abuse from foreign employers. In several cases, it had happened to someone they knew.

Some of them had attempted other jobs before entering sex work. Some were former domestic workers, factory workers, salesgirls, restaurant service staff, and seamstresses. Several were nail technicians, cleaners, and factory workers, but had developed arthritis and could no longer continue in these jobs. Those who previously worked in factories decried the huge salary deductions when they were late to work for a few minutes or if they did not meet their daily

production quota. Two of them developed bladder problems because they were only allowed a five-minute ‘bathroom break’ daily, and had to wait in long lines to get into the toilets. Several who worked as domestic workers were abused by their employers or had to spend long periods of time away from their families while barely earning a living wage. Many of them did not have access to sick leave, vacation time, or medical benefits in their previous jobs. A third of them shared experiences of being sexually harassed in their previous jobs. They experienced unwanted comments, advances, touching and even sexual assault and rape by coworkers, bosses, and employers. Many of them also recounted being verbally abused by their bosses and said they preferred to ‘just be their own boss’. They preferred the flexible schedule, shorter working hours, and higher pay made possible by sex work because it allowed them to spend more time with their families and provide them with relatively more material comfort.

Other interviewees were simply unwilling to work as domestic workers because of the time spent away from their family, or because they saw this work as ‘beneath them’, and felt that they were ‘too attractive’ to be domestic workers, a theme I explore in more detail next chapter. A few of them had criminal records for prostitution, which made it harder to transition out of the sector. Others engaged in other odd jobs alongside sex work but did not earn enough to leave sex work. Finally, others stopped sex work to try other jobs but chose to return to sex work anyway. One female leader of the Collective added, “Our alternatives are not the same as those of the middle-class feminists who oppose our work. They think we will find freedom in scrubbing their toilets? In cleaning their windows? In sewing clothes for them?”

My interviewees’ responses demonstrate a lack of legal awareness of the intricacies of the Anti-Trafficking Law and most seem to find the law either irrelevant to their lives or actively harmful. Most of them have made the distinction between the law ‘on the books’, and the ‘law in practice’, and seem to have concluded that bribes are one way to evade arrest, but also that the police will always have disproportionate power over their lives. In Chapter 7, I use their responses as a point of departure to reflect on whether sex workers’ vulnerabilities and the social stigma against them can be altered by writing sex workers as victims into the law.



In the face of all this data, how do we make sense of claims that sex work is universally victimising for those who engage in it, and uniquely victimising in relation to other forms of work? It is, indeed, necessary to recognise that poverty is what drives most sex workers who operate on the streets or in establishments in the Philippines. Patriarchal norms also intersect with poverty to create a market for sex that has disproportionately (but not exclusively) female sellers and male buyers. Further, mobility within the sex industry hierarchy is difficult because most street-based sex workers lack the educational, social, and language skills needed for upscale forms of sex work. However, the binary conception of coercion and consent that underpins anti-trafficking discourse in the Philippines is generally unhelpful and unreflective of sex workers' lived realities. For example, based on interviews with sex workers in Cebu, Philippines, Law (1997, p. 253) observes that the conditions under which women enter prostitution are variable and that women have varied conceptions of their power and capacity to change their situations. She cautions against privileging the structural aspects of prostitution or simplifying prostitution to an 'uncomplicated relation of domination' because this ignores the complexity of women's life choices. In her ethnographic study that involved following the lives of London-based sex workers over fifteen years, Day (2010b, p. 830) notes that sex work establishes freedom as much as exploitation. In contrast with other low-income jobs, some sex workers preferred to work without fixed working hours or a boss. At the same time, their work was also precarious because they faced risks to their physical safety and a 'social death' of extreme dishonour. The disconnection from their past lives and social relationships, however, was liberating for some.

No anti-trafficking expert has suggested that the decision to work in a factory is an entirely free and unencumbered decision. Ultimately, there seems to be a recognition that it involves a combination of coercion and consent, which may also serve as a useful framework for thinking about sex work. Individuals who engage in sex work should not be held to a higher bar of demonstrating freedom in decision-making. Another dichotomy that should be discarded is whether sex workers 'like' or 'hate' their work. Like many workers, majority of my interviewees identified aspects of their work they liked and aspects they did not. Whether people enjoy their work and want to remain in it for a long time is not how other forms of work are evaluated, and especially not as a precondition for whether the workers involved deserve rights and safety rather than rescue.

## **Chapter 5: Combining virtue, transgression, and conformity: Alternative readings of agency in sex work in the Philippines**

“One lady we rescued from a bar two weeks ago... I saw her in another bar yesterday. This happens a lot. Usually, when we recognise them, they go by different names and pretend not to know us! Re-trafficking is such a big problem here.” (Field Officer, Visayan Forum (personal interview, June 30, 2018))

As discussed in previous chapters, there are diverse and conflicting perspectives on prostitution within feminist scholarship. It is important to be upfront about the double-bind in discussions about agency in sex work: It would be incorrect to say sex workers enjoy full agency as it is currently practiced because they do not. However, this admission is easily weaponised as a justification to enact policies targeted at eradicating the industry. In fact, most workers do not argue that their working conditions are perfect as a basis for demanding more labour rights. Instead, they argue that they deserve better working conditions based on their status as workers. I acknowledge that to be ‘truly agentic’, prostitution will need to be restructured legally and culturally (Showden 2011, p. 153). This restructuring is the theme of Chapter 7.

In this chapter, I critique the dominant view in Philippine anti-trafficking discourse that prostitution cannot be freely chosen and that any indication of consent is superficial and meaningless, and I propose a different way of thinking about agency in sex work in the Philippines. I begin with a summary of the position of IACAT and PCW on prostitution, which has been introduced in earlier chapters, and situate this within broader arguments made by feminist scholars around the lack of agency of individuals in prostitution and the effects of prostitution on women’s social status in general. Following this is a two-part argument: Firstly, I argue that the framework used by anti-trafficking authorities needs to be challenged because it examines agency in sex work in a philosophical vacuum without accounting for the institutional regulations around it. It cannot be taken for granted that these regulations might be producing the conditions that reduce sex workers’ agency in the first place. Here, I engage with the scholarship on agency in oppressive situations and suggest a framework that foregrounds sex workers’ speech practices, self-representations, and reflections as a locus of agency. Therefore, I am also intervening in the

process by which agency is understood and evaluated. Secondly, I provide tentative conclusions about agency in sex work in the Philippines, which are grounded in the empirical context of my interviewees. Broadly, I argue that sex work is precarious but not immutably violent and can be made safer. There was a mixture of choice and coercion in my interviewees' engagement with sex work, but they were not 'modern slaves', trafficked persons, or victims in need of 'rescuing' through the criminal justice system. Sex work was not worse than the other forms of work available to them. They recognised that social stigma undermined their esteem, self-worth, and ability to exercise agency. Partially as a reactive form of self-construction, many of them saw their engagement in sex work as a moral project, through which they demonstrated virtue and expressed love as mothers and daughters. Some saw themselves as entrepreneurial, capitalising on their attractiveness and the male demand for sex. Some, indeed, saw themselves as victims. However, close attention to their rendering of the word 'victim' reveals that they explicitly did not consider sex work as a form of male violence from which they should be rescued, or that they were forced into. They saw themselves as victims of poverty, stigma, and a set of institutional regulations around prostitution that gave other people control over their lives.

### **Anti-prostitution perspectives**

In this section, I provide a summary of the core arguments against prostitution that inform IACAT and PCW's position. PCW's claims generally reflect the arguments made by feminists who oppose prostitution. The focus of my discussion is on the conflation of prostitution with trafficking and slavery, and I highlight objections to prostitution that are most salient.

In their policy briefs on the Anti-Prostitution Law, which is endorsed by IACAT, the PCW argues that poverty is a significant factor in many women's choices to engage in prostitution. This is uncontroversial. The key elements in PCW's conception of prostitution, however, are that prostitution is a uniquely harmful choice for individuals with limited options, and that poverty *invalidates* choice entirely:

‘Women do not make a rational choice in entering prostitution; they settle with the limited options available to them bearing conditions of inequality that are set by the customers who pay women to do what they want them to do. Overall, prostitution is not a choice as survivors of prostitution have described it as ‘the choice made by those who have no choice.’ (PCW, 2016)

They also view prostitution as a form of male violence and objectification of women:

‘Prostitution thrives because of gender inequality and lack of respect for women’s human rights clearly manifested on the false notion that women are inferior, are considered as sexual objects and commodities, while men are superior, are the decision-makers and the owners of properties.’ (PCW, 2016)

The violence of commodifying sex (as opposed to other acts), is a core theme of MacKinnon’s opposition to prostitution (2011). She argues that sex is supposed to be wanted (p. 281) but in prostitution, ‘the money coerces the sex rather than guaranteeing consent to it, making prostitution a practice of serial rape’ (p. 274). One part of Chambers’<sup>14</sup> argument (2017, p. 25) echoes this:

“One’s sexuality and one’s sexual organs are deeply private and intimate, and it is a profound and crucial part of our cultural understanding of sex that it must be fully consensual if it is not to be criminal and abusive. Improving conditions for prostitution does not remove the profound injustice of being forced to have sex in order to survive.”

Pateman (1988, p. 207) finds prostitution to be different from other occupations women engage in because the integral connection between women’s sexuality and their sense of self means that women in prostitution are selling a commodity that is not detachable from the owner, and when a woman ‘contracts out use of her body, she is thus selling *herself* in a very real sense’. Her reason

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<sup>14</sup> Chambers phrases part of her argument against prostitution a bit differently – that considering it as work would imply that people would be required to engage in prostitution or lose state benefits (2017, pp. 25-26). I find this to be less relevant because one does not necessarily imply the other, but even if people were legally required to engage in prostitution to access welfare, it is possible that more men would sell sex, too, thereby reducing stigma and structural gender inequalities, which creates a very different counterfactual to the world we are currently assessing.

for this is that masculinity is intertwined with and expressed in the right and capacity to dominate women, and ‘sexual mastery is the major means through which men affirm their manhood’. She argues that the sex act is an unequivocal affirmation of the relations between sexes. Like manhood, womanhood, too, is confirmed in sexual activity.

Philipps (2011) does not put forward a policy position on sex work, nor does she wish to be understood as saying that there is a distinctive relationship between women and their bodies (p. 742). However, she sympathises with Pateman’s critique of prostitution as a ‘contract’ and rejects the language of the ‘body as property’ and ‘property exchange’ in liberal defences of sex work because this language conceals the reality that persons do not have the ability to separate the self from the body, especially in transactions where the body is not simply incidental but the whole point. Her view is that this is especially true in prostitution, where women report a process of distancing themselves from their bodies and the difficulties of doing so. She recognises that she is making arguments about work ‘in a continuum rather than a bright line’ because other workers such as athletes or dancers also use their bodies directly (p. 734). She notes that sex workers usually set conditions with their clients such as using condoms, or not engaging in kissing, but that these are hard to enforce because prostitution involves putting oneself in someone else’s power instead of simply handing over a piece of property for money (p. 732). Therefore, sex workers’ vulnerability and potential self-alienation is greater than other workers, making their bodily transactions ‘special’ (p. 732). Another key difference for her is that markets in body parts or services intrinsically arise only under conditions of social inequality: buyers of sex would be very unlikely to sell sex themselves, and it is economic desperation that determines the buyers and sellers (p. 738).

Some feminists also argue that violence from third parties is endemic to prostitution, which renders women too physically and mentally damaged to assess their own situations or provide consent (Farley 2004, pp. 1108). MacKinnon (2011, p. 298) notes that most adult women in prostitution are first prostituted as girls and are just never able to leave, and thus children and adults in prostitution ‘are the same group of people’ at two points in time. She argues that women who sell sex are at greater risk of post-traumatic sex disorder (PTSD) and other mental disorders because of the dissociation required in their work:

‘You may create another self, give her another name; she is the one who goes out and does this ‘work’ and may defend doing it. If you cannot live inside your own head and be who you are and do this—is that what freedom looks like? Being subjected to constant rape, beaten to stay, prevented from looking into other options, sustaining the trauma of a war zone or a torture chamber, needing drugs to keep doing it—is this what you mean by employment?’ (p. 288).

As discussed in previous chapters, a similar argument is made by the Philippine Commission on Women (2010):

‘More often than not, women and children trapped into prostitution are poor, uneducated, and sometimes sexually abused. They have been trafficked—recruited, usually through deception, force or intimidation, and forced and kept into [*sic*] prostitution through threats or actual acts of violence, until such time when the victims start believing that there is no other life for them outside of prostitution.’ (PCW, 2010)

In terms of the effects of the institution of prostitution on women’s status in general, Pateman (p. 208) argues that ‘When women’s bodies are on sale in the capitalistic market... the law of the male sex-right is publicly affirmed, and men gain public acknowledgment as women’s sexual masters’. Like Showden (2011, pp. 138-139), I understand Pateman’s argument to be that prostitution reinforces the view of women as ‘always available to service men’. PCW (2016) also conceives of prostitution as harmful not just to the individuals engaged in it, but women in general, because it reinforces their subordinate status:

‘Prostitution is an exploitative system that commodifies and dehumanizes women, men and children who are being sold within the system. As a form of sexual exploitation, prostitution violates a person’s human rights. It reinforces the subordinate status of the more vulnerable individuals in conditions of poverty, especially women and young girls, as it serves the instant sexual gratification of the more privileged “clientele” who are mostly male.’

I argue that while claims such as this are a central theme in the Philippine anti-trafficking sector's rejection of prostitution, they are less relevant in establishing whether prostitution is akin to trafficking or slavery. Firstly, sex workers and their advocates demand that sex workers should be able to refuse clients or refuse particular requests. They also oppose the presumption that men have a natural entitlement to sex from any woman, including sex workers. As Fraser (1993, p. 179) argues, sex work implies the fragility of the association between masculinity and sexual mastery instead of confirming it. It is not the 'male-sex' right that is secured by a client, but the male fantasy of it. Even if this fantasy of the 'right of command' is enacted, it is simply a staged representation, not the actual right of command. Secondly, claims about the harmful reverberations of prostitution to third parties do not speak directly to the agency of sex workers themselves, and are essentially a separate argument that implies that sex workers and their clients have a responsibility to help society maintain certain perceived shared values, which is not a question of trafficking. Harms to third parties cannot be clearly established relative to other forms of work that may also arguably promote the subordinate status of women such as childcare. Thus, these claims are subjective rather than factual. Finally, even if these claims were true, the harms are contingent on the impossibility of transforming cultural meanings about sex, dominance, gender and labour (Showden 2011, p. 138).

Based on the above summary, there seem to be primarily three arguments that require consideration in this chapter:

- (a) The choice to engage in sex work is 'forced' by poverty and gender inequality; some would add that entry into prostitution is usually preceded by sexual abuse and/or childhood trauma.
- (b) Sex workers' encounters with clients and third parties inherently involve violence and exploitation.
- (c) The mind/body dichotomy in liberal defenses of the prostitution contract is built on a denial of the reality that the sex worker is transacting as an embodied self. Sex is different from

other forms of labour, both because of the materiality of the sex act that makes it more inseparable from the self and the deep-seated cultural meanings about sex that cannot be ignored, such that women who sell sex are ‘selling themselves’ or at least experience it this way, which leads to dissociation, trauma, and dehumanisation.

Even if some of these arguments were true, or true to varying extents, there is also the policy question of what states should do to protect weaker parties in an unequal market. IACAT and PCW’s position is to abolish the market by ‘ending the demand’. I discuss this question more thoroughly in Chapter 7.

### **Conception of agency**

Agency is a slippery concept. Not every action can be characterised as ‘agentic’, otherwise the term would have no analytical value. I share Chambers’ (2008, p. 4) discomfort with ‘liberal theory’ approaches to feminism that tend to assume that women’s actions are fully autonomous and agree with her approach of feminist theorising that ‘takes on the issue of social construction and the limits it places on individual autonomy’ (p. 4). Nonetheless, we disagree on whether women’s engagement in sex work is a ‘harmful choice that threatens their well-being or their equality’ (p. 4), which I discuss in the context of my interviewees.

Much like Chambers, Showden’s (2011, p. 1), in her work *Choices Women Make*, rejects the bifurcation of the self and society and suggests that there is no pre-existing ‘subject’ outside of discourse. Instead she argues that an adequate theory of agency ‘foregrounds the way in which the subject is developed by powers that transcend it’. Social determinism is real, but ‘seeing how people are both determined and determining’ helps explain how people are not simply ‘dupes of power’ (p. 9). She describes agency as:

‘Having ‘agency’ involves both deliberating on choices and having choices on which to deliberate. It is thus a product of both autonomy (the individual capacity to act) and freedom (the conditions that facilitate action). A full understanding of agency therefore requires



consideration of both the subject who acts and the conditions within which she operates, particularly the conditions that produce her self-understanding' (p. ix).

Freedom refers to the structural conditions of life options individuals face in achieving their goals, which include material conditions such as political, economic, and legal structures, and norms and discourses through which people understand their experiences (p. 9). Agency is greater when individuals can choose from viable options to improve their lives and fulfill their needs and desires, and to understand and influence how those desires are formed (p. 2). The latter is especially important in feminist conceptualisations of agency. Agency requires 'normative competence', or the ability to map the content and source of the norms for judging right and wrong that govern our preferences in particular situations and to evaluate the value of those norms to one's life plan, recognising how they can influence its content (p. 7). In the case of my interviewees, this would refer to their understandings of the laws and norms around sex work, trafficking, and motherhood, and their ethical relationship to these norms, rather than unthinking acceptance of them. If one had only 'bad' options, one may still have the capacity to reflect critically on them even with limited means to change them, which means one has some autonomy and limited agency (p. 4). Increasing freedom in these cases may require political and social interventions, which, on principle, feminist scholars agree on. The disagreement is usually about the type of interventions. This is crucial because anti-trafficking authorities endorse specific political interventions, such as ending the demand for sex work, which I argue do not increase freedom but further restrict it.

Another aspect of Showden's conceptualisation of agency that I find useful is her discussion on the development of agency as a lifelong process (p. 2). This framework of agency as complex and changing over time is helpful for thinking through life situations of individuals who may have entered prostitution because they were forced into it by poverty or by third parties but who chose to continue engaging in it even when it was possible to stop. MacKinnon assesses their choices to be devoid of agency all throughout their life cycle (as discussed earlier), but I explain later in this chapter that for my interviewees, the decision to continue selling sex was a careful and considered decision. Showden also argues that agency is 'inter-subjective', even if autonomy in a liberal sense is individually exercised. The development of identities and strategies of resistance are enhanced by being with others (p. 7). This may be important in understanding how the inability of sex

workers to collectivise and develop shared meanings about their work is evidence of agency being denied through criminalisation rather than as an inherent lack of agency in sex work.

It is important to interrogate the framework for assessing agency used by the Philippine anti-trafficking sector in relation to prostitution. While IACAT and PCW have correctly identified that criminalising the sale of sex disproportionately harms sex workers, they have also concluded that under no circumstances can sex work be legitimate work. Leaving aside, for now, questions about the effectiveness of ending demand for sex work, I argue that it is disingenuous to write off sex workers as currently being devoid of agency, and to extend this conclusion to any legal and social configuration of sex work. Especially where sex work is criminalised, there needs to be a different way of assessing agency without falling into the problematic tautology of using evidence of sex workers' inability to openly resist their oppressive context as a basis for arguing that sex workers are therefore always going to be victims in need of rescuing by the same state that currently criminalises them. It is not possible to study sex work in the Philippines in a way that decouples it from state interventions that already heavily regulate the lives of sex workers. Thus, any claims that can be made about sex work need to be understood not just as an assessment of sex work per se, but sex work in a specific institutional policy context and moral economy, which, until the enactment of the Anti-Trafficking Law, and even after, has predominantly involved criminalisation, stigmatisation, and surveillance. The anti-trafficking sector's current approach presumes an inherent lack of agency in sex work grounded in observations about sex work in a specific legal regime and forecloses the possibility of exploring whether lifting restrictions on both sex workers and their clients may increase sex workers' agency. As established earlier, it also broadly disregards the voices of sex workers who do not identify as trafficking victims.

What, then, should we be looking at, when assessing agency in oppressive contexts, or contexts where there are high negative consequences for socially transgressive behaviour, and where the oppressed do not display overt and visible resistance?

Scott (1985, p. 30-31) argues in his study of rural class conflict in a Malaysian village that everyday forms of resistance that avoid direct confrontation with authority, usually 'weapons of the weak' by agricultural peasants, such as foot dragging, false compliance, feigned ignorance, and subtle

sabotage, should not be neglected in the study of resistance. These demonstrate the peasantry's awareness of their interests and attempt to defend those interests as best they can, and challenge the assumption of 'false consciousness', or the belief that the oppressed have a false perception of their real economic interests and subscribe to their own oppression. Agarwal (2016, p. 294), in adopting Scott's approach while simultaneously critiquing it for not paying enough theoretical attention to gender, argues that women's forms of resistance may be different to men's because of the nature of their oppression and the weapons available to them. For Agarwal, the stories and behaviours of the women she studied, demonstrated either overt or covert forms of resistance, and proved that the appearance of compliance with family duties does not mean that women do not have a correct perception of their interests. For example, even when women gave up their right to family assets to male kin, they may have been doing so to improve their own 'weak resource position', and to ensure that they received support when they needed it (p. 307). She deduces that even if the women she observed may not have 'full consciousness' of the dominant social and economic relations oppressing them, they at least partially recognised the unequal order within their families (p. 305). Rogers (1975, p. 729), in her work with peasant societies, observed that women can quietly hold power and control even as men dominate formal spaces of power. Women exercise power more subtly and informally, as long as it seems that the larger 'symbolic order' is not openly challenged and men have the *appearance* of power.

Their arguments on how oppressed groups are, or can be, aware of their interests, even if this is not self-evident to outsiders, is helpful for thinking about sex workers and aligns with Showden's requirement of normative competence. The argument that resistance can be located in acts that are not overt and visible is also valuable. However, I recognise that not all oppressive situations are equal. Sex work is currently criminalised and stigmatised in a way that certain oppressed populations may not be. Agricultural work or motherhood, and even land rights activism, in which some of the women Agarwal studied were engaged, is regarded as virtuous and respectable within their communities. Furthermore, sex workers in the Philippines are subjected to forms of coercion that are directly and overtly imposed by the same state that has deemed them to be 'victims': depending on the whims of local governments and because of a confusing mix of laws, they are either arrested, or subjected to strict surveillance and testing, or rescued and rehabilitated, or a random mix of all of the above. Even in the ideal world of anti-traffickers and the PCW – where

sex workers themselves cannot be formally punished – sex workers can still be arrested for facilitating prostitution by helping each other screen clients and living together, and sex workers' clients and managers will still be arrested, making it difficult for sex workers to transact with them anyway. Sex workers are also regularly told by their families and communities that they are immoral and 'bad women'. These constraints exclusive to the population I was working with, led me to rethink the emphasis on resistance, even covert resistance, in my understanding of their agency. I argue that identifying acts of resistance is valuable, but that it should not be privileged over sex workers' self-awareness of their desires, motivations, and bargaining models.

There are two ideas from Madhok's (2013) work on rethinking agency in oppressive contexts that I have found useful. The first is directly related to arguments made in Scott and Agarwal's works: that a focus on overt 'actions' is immensely limiting in understanding agency (p. 106-107). Oppressed individuals may not assert themselves if they have determined that this could lead to more subordination, violence, and injury. The lack of autonomy to act on one's chosen preferences, therefore, does not necessarily preclude a critical consciousness. It is possible for people, in their speech practices, to demonstrate a sense of their selves and reflexive considerations, even if their possibilities for action are narrow and limited. Our current action bias may obscure certain ways people relate to themselves and others. Madhok suggests examining people's critical reflections, motivations, and desires, which can be partially accessed through people's speech acts and practices. This would entail paying attention to the 'sociality of persons' and to the circumstances in which 'persons fulfill their moral obligations and pursue life plans and choices' (p. 106). Madhok, of course, recognises that speech practices are themselves a form of self-representation by individuals that reflect their political subjectivity mediated through a specific set of institutional practices and cultural forms. I elaborate on this in the earlier chapter on methodology.

In the context of the Philippines, the traditional focus on overt actions as a metric of agency sets up a rigged test of agency that sex workers are likely to fail and can only yield a view of them as victims, which then validates policies that regard and reproduce them as victims. For example, organisations who traffic in expertise on prostitution, such as the PCW, CATW-AP, IJM, VFF, Talikhala, GABRIELA and Bagong Kamalayan, regularly feature and employ prostitution survivors who advocate for ending the commercial sex industry. Enriquez, as she is quoted in

Bayos (2016), makes the claim that, ‘When you talk deeply to the women, they will tell you their story that they did not choose prostitution willingly’. However, the criminalisation of sex work has meant that the Collective, or any sex worker who would like to challenge the victim narrative, lacks the resources to make their arguments politically legible (Fricker 2007). Another example might be sex workers’ dependence on third parties to screen clients for them and negotiate with corrupt police officials and their unwillingness to report abusive clients. On face, this demonstrates a lack of agency. Upon further investigation, this is directly linked to the criminalisation of their work, which makes the option of screening their own clients or confronting police abusers untenable in some cases.

Therefore, an approach to agency that accords considerable weight to the ‘pre-action’ aspects of sex workers’ lives, such as their reflections on their own decision-making processes, their understanding of how they are perceived in law and society and how they interact with and rework those scripts, and how they negotiate sex work in their personal ethical worlds, allows us to proceed with a starting point that does not already presume the absence of agency and avoids the trap of immediately equating an inability to openly resist oppression, some of it state-sanctioned, with a lack of agency.

The second useful concept from Madhok is that while the overemphasis on the subordination of oppressed actors is problematic, so is the tendency to overplay episodes of resistance (p. 104). A focus on locating an emancipatory politics among the oppressed, whether in their actions or consciousness, rests on the assumption that all individuals possess some liberal transgressive self that just needs a chance to fully emerge, which is incorrect and privileges a particular way of ‘being in the world’. It is often argued by the PCW and the leading organisations in the Philippine anti-trafficking sector that women in prostitution have no choice but to use their bodies and sexuality as resources, which entrenches male dominance and control over women’s bodies and reinforces racial hierarchies and stereotypes when the clients are foreign men. My interviews demonstrate that the interactions between women and their clients are not as straightforward, and that sex workers, too, exercise power in these interactions. However, even if we grant that the kind of interactions that take place in the context of sex work reinforces sexism, I argue that sex workers must not have to signal some overt or internal commitment to an emancipatory politics to

demonstrate that they have agency. This is not an expectation that is applied to factory workers, domestic workers, or workers in beauty industries, some of whom arguably decide to uphold and live with oppressive, gender norms instead of challenging them.

However, as Chambers (2008, p. 45) explains, individuals' expressed preferences are not always an accurate, enlightened expression of their best interest. Might my interviewees be acting against their interests? Khader (2011, p. 42) argues that persons in situations of deprivation may form adaptive preferences that lead to deprivation-perpetuating behaviours that are not in their interest. Public institutions, therefore, have a duty to intervene appropriately in these situations. Adaptive preferences are (a) preferences inconsistent with basic flourishing; (b) formed under conditions not conducive to basic flourishing; and (c) that we can reasonably expect individuals to change under conditions more conducive to flourishing. She accepts that people with adaptive preferences have some degree of autonomy, reflective capacities, and a strong sense of what matters to them. Nonetheless, adaptive preferences sustain a form of life that is bad for a person. It is undeniable that sex is regarded as a separate category from other forms of labour based on legal and social norms, including those that distinguish sex from labour trafficking. It is also culturally perceived as more deeply tied to women's identity. Anti-prostitution advocates suggest this means that prostitution is more exploitative than other forms of labour and potentially experienced by women as deeply traumatic and dehumanising, but this is not a view that is shared by many of my interviewees.

Applying Khader's approach, I argue that my interviewees expressed a preference for sex work relative to their alternatives. Their acceptance of 'inferior conditions' in sex work is by no means absolute. They continued to desire better working conditions in sex work or better alternatives to their current work. They were aware of the forces acting upon them that led to their engagement in sex work, such as poverty and their responsibilities primarily as mothers, and in some cases also as daughters, older siblings, and wives or partners. Many of them recognised the injustice in their lack of options, but also resented being stigmatised for acting as loving mothers and daughters in the best way possible for them. It is important to note that Smith (2015, p. 214) sees love as a key to human flourishing: 'No person can fail to love other persons and still flourish. Part of what it means to be an actualised human person is to engage in loving relationships with others'.

Furthermore, they had a realistic conception of their work, including how to work around its limitations such as by collaborating with hotel staff to regulate clients, opting to work as freelancers to keep more of their income or circumventing bar rules and negotiating directly with customers, and even paying bribes to cops, which demonstrates their ability to correctly determine their interests. In the last chapter, I argue that public intervention is needed, but it should be in the form of destigmatising sex work, making it safer, and providing meaningful alternatives to sex work rather than partial criminalisation.

### Agency in sex work

In this section, I draw on my interviewees' reflections on their work to engage with the three core claims that underpin the conflation of prostitution with victimhood and slavery. Firstly, I problematise the assumption that sex work is a 'forced choice' any more than other types of precarious work, including other forms of feminised labour. For many, it is the 'rational' choice because it was better than their legal options in meeting their need for flexibility and higher incomes. Secondly, I demonstrate that in the context of my interviewees' working lives, violence from third parties was contingent on a lack of control over their working conditions. This section is not a defense of clients or third parties, even if my interviewees' experiences show that the characterisation of clients and third parties as misogynist monsters is overstated in anti-trafficking discourse. Rather, it assumes (without conceding) the 'best version' of the abolitionist claim that clients and third parties are extractive, rent-seeking, and likely to view women as commodities. In the same way that clients and employers in 'legitimate' industries are not necessarily virtuous nor do they often hold progressive views about workers, especially women and racial minorities, sex work should not be invalidated based on the intentions and actions of clients and employers. In their interactions with clients, sex workers' agency is curtailed by having to sell sex in a context where they have no political standing and limited social support, and where the police has absolute power over them. Thirdly, I interrogate the special status of sex in the world of work and problematise the moral objections to the sale of sex in the Philippine context, while also drawing on my interviewees' own ethical conceptions of selling sex and their relationships to their bodies. O'Connell Davidson (2014, p. 519) is correct that 'demonstrating that individuals can make an

active choice to enter prostitution contracts... is not the same as demonstrating that what is commodified in prostitution is something separable from the body and person of the sex worker'. In this section, I acknowledge that it is not enough to simply put a 'positive spin' on prostitution by claiming that sex workers are displaying sexuality in ways that are subversive or by highlighting the skilled labour that goes into securing and managing clients. It is still indisputably true that in prostitution, clients pay for a service that is 'indivisible' from the socially marked body of the worker, because the sex workers' female-ness, and in some cases, race, are an essential part of what the client seeks (p.521). Instead, I accept part of the abolitionist premise that 'the body matters in prostitution', but I make a modest case for the need to defer to women's moral constructions around the sale of sex and their knowledge of their bodies and sexuality, as opposed to assuming in advance, as Pateman and MacKinnon do, that sex is a static determinant of their identity and selfhood. I argue that there is a whole host of subjectivities my interviewees embody that are neglected in the anti-trafficking sector's representations of sex workers, including reasons for why sex workers may take pride in and enjoy some aspects of their work. In many cases, these have more weight on their identity than the sale of sex. Ultimately, my interviewees displayed a mixture of resistance and conformity to survive and thrive, and to enact themselves as moral and entrepreneurial actors. Their reflections on stigma are valuable, because these show that while some of them sometimes experience shame, most of them locate their oppression in poverty, stigma, and the need to work in secrecy rather than in the act of selling sex.

#### *Questioning coercion: sex work as a considered and deliberate preference*

Unlike what is often suggested in anti-trafficking reports, none of my interviewees were forced into sex work by a third party who used deception, intimidation, debt bondage, or violence. Many of them were encouraged by their friends, usually also women, who were in the same age group or slightly older. Their engagement with sex work cannot be seen as a fixed point or a single act. A few began when they were underage, which meets the legal bar for trafficking. However, they continued to engage in sex work as adults, and without direct coercion from third parties. These distinct and complex experiences are not captured in a flat representation of them as 'trafficking' or even victimhood.



Like Sandy's (2006, p. 465) observations in her work with sex workers in Cambodia, some of my interviewees suggested that their decision to enter sex work was straightforward and calculated, with several describing it as 'the smart thing to do'. For others, the process was more gradual and conflicted largely because of their moral reservations about selling sex and the stigma associated with it. The decision to enter sex work does need to be viewed against the backdrop of structural factors. However, while the PCW and anti-trafficking authorities concluded that structural factors invalidate women's choice to engage in sex work, I argue the opposite: in light of these structural factors, my interviewees provided plausible and well-considered reasons for why sex work was, or eventually emerged as, their preference relative to the options available to them, which demonstrates the 'normative competence' that Showden considers to be an important component of agency.

First, there has been a decline in social spending in the Philippines, which has left poor families without any safety nets. Illo (2002, p. 8) and Perez-Coral (2002, pp. 196-197) observe that since state services were scaled back in the Philippines as part of privatisation measures required by the International Monetary Fund after the Asian Financial Crisis of 1997, women's work hours have increased because they are expected to manage the household and also earn an income. Cutbacks in healthcare led to a greater burden on women to care for the sick. Price inflations required women to devote more effort to finding and growing food, saving on water and electricity, and paying for increasing school expenses. Men have an entitlement to rest and leisure (including money for liquor, cigarettes, and gambling), and to a larger share of food, while women are expected to prioritise the children. While women are usually left to manage the household budget, limited finances afford them no discretionary power and in fact result in greater psychological stress to make ends meet. They are usually unable to block their husband's vices for fear of increasing tensions. All these are exacerbated by high birth rates, especially among lower-income groups, as a result of the ban on abortions, lack of access to contraception, and the association of masculinity and virility with siring children (Chant, 1996, p. 303).

Divorce is not legal in the Philippines while annulment is expensive, and thus, regular informal separations are common among lower-income couples, resulting in unstable marital and romantic

relationships (Medina 1991, p. 182). As established in previous chapters, many of my interviewees were either single mothers or had been for significant periods, which meant that they were partially if not fully responsible for financially providing for their children and for childcare. The relatively higher hourly rates they earned in sex work and relative control over their working hours had played a role in their decision to enter or remain in sex work.

Some of my interviewees had left abusive partners or were left by their partners. Chant (1997, p. 38) explains that households with younger kids tend to be poorer, and this may be exacerbated in female-led households.<sup>15</sup> At the same time, she cautions against viewing single, female-led households entirely through an economic lens. Even with potentially less income, these households may not be worse off than their male-led counterparts because many women may find it easier to plan their budgets, feel better able to cope with hardship, and experience less stress (Chant 1997, p. 41). Indeed, the family arrangements and socio-economic conditions of the women I interviewed reflect these observations. They preferred the ‘new’ life situation they had after they left abusive partners. One in four women has experienced intimate partner violence in the Philippines, and this is based only on incidents where women self-report (Philippine Statistics Authority and ICF 2018, p. 219). Several of my interviewees relied on sex work to be able to escape partners who beat them. I argue that in this context, sex work has created more freedom for them and has expanded, rather than narrowed, their possibilities for self-determination.

What are Filipino poor women’s realistic job options and how might a decision to engage in sex work be a rational response to their circumstances? A quick review of wage levels for the realistic job alternatives to sex work validates my interviewees’ responses. The minimum wage for domestic workers in Metro Manila is 4,000 per month (Department of Labor and Employment, 2018). Domestic workers are treated as a distinct category from other workers. They usually stay with the households they work for and their employers are legally mandated to provide them sanitary living quarters. Nonetheless, they often have to live away from their children and are legally entitled to only one day off per week. With a daily salary of 500, manicurists, restaurant service workers, and salesclerks in the Philippines take home a little over 11,000 per month for at

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<sup>15</sup> A household (usually with children), that is headed by a female in the absence of a male partner or another adult male relative.

least 160 hours of work (Venzon, 2018). Women account for majority of the low-level jobs in the garments, textile, and footwear industry, but the average monthly wage for women workers in this industry is 191 USD, to men's 243 USD monthly average (Huynh, 2017). Further, as mentioned in the previous chapter, not all of them are regular workers with security of tenure because of deceptive contractualisation practices or *endo*. In fact, a leader of the Collective said: "In their obsessive focus on sex work, our saviors have forgotten to hold these exploitative companies accountable. I'm sure everyone is happy to maintain this conspiracy of pretending the problem is only with sex work. Keeps other businesses unexposed!" (lunch meeting with the Collective, July 10, 2017).

These other jobs also have rigorous application processes and require at least a high school, but usually a university education, and official documents, including a permanent home address, which not all the women I interviewed had. Women have significantly lower chances of promotion in these jobs than men, so the likelihood of a salary increase across their working lives is also low (Asian Development Bank, 2013). All my interviewees earned significantly more in a month and worked fewer hours. Arguably, regularisation in other jobs also comes with benefits such as social security payments and health insurance coverage. My establishment-based interviewees have the option of regularisation based on their employment in bars as waitresses or entertainers. My street-based interviewees either went to private clinics or relied on public health facilities. Those who had attempted the jobs described above before entering sex work also experienced unpaid overtime, unsafe and unsanitary work environments, and harsh salary deductions for tardiness or unmet high quotas, especially in manufacturing and factory work (also well-documented in Chant and McIlwaine, 1995, p. 27). For some, health conditions such as arthritis and back injuries precluded factory work or more manually intensive jobs such as working in salons as a masseuse or nail technician.

Three of my interviewees who previously worked as domestic workers were sexually harassed by their male employers, but they kept it secret for fear of losing their jobs, being disbelieved, and possibly being falsely accused of theft or other crimes. "You can forget about one bad client, but you're not trapped in the same house as a boss who gropes you. You don't live in fear of being left alone with him and being raped", Erica said. Several of them who previously worked as salesclerks

and restaurant service staff revealed having experienced sexual harassment in the workplace. In the absence of a comprehensive study on female workers' experiences of sexual harassment in the Philippines, I instead draw a parallel between my interviewees' responses and those detailed in the English Collective of Prostitutes' (2018) research on the comparison between sex work and other jobs commonly done by women, where they show that women workers in the food service industry and the cleaning industry are at a significant risk of sexual harassment from employers and clients and that victims were too afraid to report. The illicit nature of sex work in the Philippines makes it hard to report harassment, but it should not be assumed that women do not face sexual harassment in their 'respectable' jobs.

Many Filipino women opt to work overseas as domestic workers. A few of my interviewees had done the same, but preferred not to do so again either because they experienced abuse at the hands of employers or did not want to be away from their young children. Officially, Filipino domestic workers are entitled to 400 USD per month (McKenzie, et. al. 2014, p. 6). Philippine requires women to be at least 23 years old and somewhat conversant in English to be able to work as domestic workers overseas. Abuses are common, such as recruiters charging excessive fees for placement and cultural and language training, which can cost anywhere between 370 – 1300 USD, a prohibitive sum (Dickinson 2016, p. 5). The 400 USD minimum salary is not always honored and contract substitution (where migrants' contracts are replaced at the point of destination with new contracts that usually stipulate lower pay) is fairly common, as is having to work longer working hours than stipulated (Batistella and Asis, 2011, p. 11). Filipino overseas workers are vulnerable to employer abuse and inevitably have trouble navigating foreign legal systems that do not offer them the same protection as their employers. For example, the *kafala system* remains the standard practice in many Middle Eastern countries, which are also top destinations for Filipino domestic workers. Under this system, a migrant worker's immigration status is legally tied to an individual employer or sponsor (kafeel) for their contract period. The migrant worker cannot enter the country, transfer employment, or leave the country for any reason without explicit written permission from the kafeel. In many cases, kafeels also confiscate their passport and travel documents (International Labour Organization 2017, p. 10). This gives employers disproportionate power over their workers and makes reporting abuse almost impossible, especially if the migrant

worker has already gone into debt to pay for the training and placement fees to secure an overseas job in the first place.

My interviewees' preference for sex work is by no means absolute. Many of them, indeed, identified the obligations that were acting upon them, such as their duty to their children and families. They saw this as both a burden and a source of pride. They all wished for a world where they had better alternatives to sex work, or where they could engage in sex work in a way that allowed them to be safer and exercise more control over their ability to negotiate with clients and third parties.

### *Violence and exploitation by clients and third parties*

While third parties are universally characterised in anti-trafficking advocacy as exploitative, my interviewees who worked with them explained that doing so was a form of protection against further precarity. Many of them chose their managers carefully or played potential managers against each other. Those who worked in bars did so because they preferred having a steady stream of clients and relied on bar owners' relationships with the police to avoid being arrested or at least to be assured of early release if they were ever arrested. Many of them connived with clients whenever possible to keep their sexual engagements private so that clients could avoid paying the bar fine and tip them more instead.

Their encounters with clients and the police are explained in detail in the previous chapter. A significant majority of clients were not dangerous or abusive. However, in the minority of situations where clients were violent, sex workers were extremely vulnerable and did not have access to legal recourse. Some of this risk might be inherent to the physical proximity of sex workers to their clients, the absence of other parties in these encounters, and the interactive nature of their work, where, unlike in other forms of body work, such as dancing, offering massages, or care-giving, the client of a sex worker is expected to 'touch' back. My interviewees mostly saw the police as part of the problem rather than the solution, which was the reason they preferred not to report abuse. They developed safety strategies among themselves such as sharing their location with each other, comparing their experiences with specific clients, coordinating with their partners

to arrange for the latter to intervene if sessions with clients ran over time, sharing techniques on how best to set boundaries with clients and defend themselves against attacks, paying bribes to cops, and other strategies I am choosing not to disclose for fear of exposing my interviewees to risk. However, the few abusive clients and some police officers can take advantage of the fact that sex workers operate with no legal protection. Ultimately, all of my interviewees demonstrated a strong awareness of the risks associated with their work and many of them attributed this to the illicit nature of their work and stigma arising from society's unjust moral standards.

### *Interacting with stigma*

While many of my interviewees took pride in being able to support their families, some of them hid their work from their parents and children for fear of judgment. Many of them did have at least a small circle of friends who knew about their work. Most of them, regardless of whether their family knew about their engagement in sex work, sought to hide it from their extended families and broader community, largely to protect their children and families from humiliation and bullying. Most of them went to social hygiene clinics and public health offices for regular check-ups. Several have experienced judgment and condemnation in these facilities, and thus, many of them chose to hide their work, with some even providing the excuse that their male partners were 'seamen'.<sup>16</sup>

Many of their stories correspond to Day's (2010a) discussion of the ethics between sex workers' public and private relationships in London. Day argues that sex workers are 'damned for their temerity in stepping outside the architecture for life in which sex belongs with love' (p. 293). Since it was only when their activities became known to those outside their work that they became permanently shamed, they hid what they did (p. 296). This meant 'partitioning their lives' and 'distributing themselves across several 'public' or legal identities' (p. 297). Many of my interviewees, indeed, described their engagement in sex work as 'a secret life' and sought to control how they were known by different groups of people. In anti-trafficking discourse, this is often viewed as part of the dissociative behaviors that supposedly render prostitution damaging and demonstrate the inherent lack of consent by those who engage in it. I suggest that sex workers'

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<sup>16</sup> There is a popular association between Filipino men who work as seamen and sexual promiscuity.

concealment of their work from family members and their communities is not necessarily an acceptance on their part of the immorality of their work or a form of involuntary dissociation. It is an acceptance, usually with resentment, that their work is seen as degrading and they are seen as threats to the moral order. Day, too, explains that the sex workers she worked with continued to dispute the supposed immorality of sex work, while still preserving the ‘fragile and vulnerable fictions about love, to which they were as committed as anyone else’ (p. 297). Indeed, my interviewees spoke of their work with mixed emotions: regret, because it was likely to be a source of shame and disappointment for their families; but also pride because they thought of it as clean and honest work that allowed them to improve their families’ quality of life. Most of them made explicit disassociational claims between themselves and other ‘immoral actors’ such as robbers or corrupt politicians. In Bea’s words, “I did not steal. I did not rape anyone or force them to do something they did not want to do. I fed my family. Why should I be ashamed?”. Some were vocal about their frustration and resentment at being judged and condemned for engaging in work that allowed them to provide for their children and family. Most of their anger, however, was reserved for outsiders who gossiped about them, or who could potentially shame their children. They were aware of how society viewed sex work. Merlie said, “They say we are social pests and vectors of disease.” Faith, 47, who supported her family through prostitution at 16, even before she had her child, worked as both a manager and a sex worker. She joked about her age, “Some drunks make mistakes and still choose me, but usually I just help younger women find clients.” She thinks sex workers are seen as “the enemies of honourable women”. She added, “But I’m not sure why this is illegal. We get caught and then released right away. It’s almost like they just want to make money from us. They’re mad that we don’t pay tax? I pay taxes all the time - to the police! And we give up blood, sweat, and tears to feed our families.” In relation to gossiping neighbors, Karen said, “Don’t you dare gossip about me. It’s really none of your business. Is it your vagina getting pounded?”. Dina said, “This is really none of their business. They are not the ones feeding my children – I am. But I am so afraid that my children will be teased and insulted. It’s shameful. So, of course I deny it to others.”

Day (2010a, p. 300) also makes a fascinating observation in her study, that the more experienced and older women stopped hiding and stopped lying about their work. Leaders of the Collective tended to be older, in their late 30s to early 60s; even among my other interviewees, the older

women tended to be the ones whose families or friend groups knew about their work, usually because they got tired of hiding and wanted to be accepted on their terms. Day explained this as women learning to ‘live in the present’ and making peace with being seen as deviant, which for some women involved feelings of loss, but for others, a sense of freedom (p. 301). Members of the Collective do regularly profess to wanting to change the views of society on sex work - if not in their lifetimes, then in the future, which I read as an exercise of agency and resistance against the victim construct

Leaders of the Collective noted in our conversations that perhaps the different legal and moral approaches to sex work and domestic work are a result of deep-seated moral beliefs about sex, especially objections to women having sex with strangers. They also suggested that the relative respectability of domestic work may be tied to the well-documented large amounts of remittances domestic workers send back to their families. Sex workers, too, make significant contributions to their families and the economy but the clandestine nature of their work precludes a public recognition of their contributions.

### *Sex work as a moral project*

I was struck by the strong emphasis many of them placed on their role as mothers and their duty to provide for their children, and sometimes, partners, parents, and siblings. My interviewees have reworked the dominant social scripts about sex work by locating their work as important in enacting a praiseworthy, or at least, virtuous life. As validated by some leaders of the Collective, and as Mathews (2017, p. 170) also observes in his work with sex workers in the Philippines, some sex workers may deal with stigma by justifying their work as necessary for supporting their family. It is objectively true that my interviewees provided for their families. It is also simultaneously possible that asserting a respectable identity as a caring mother or daughter is to some extent, a performative response to the social stigma against their work. This identity, however, is meaningful to them and is a source of deep pride and fulfilment. In Erica’s words:



“If they throw moral questions at us, then I would like to know how they define what is moral and good. I, who have four children whom I did my best to raise, or my husband whose only contribution was to get me pregnant, beat me, and provide nothing for our kids?”

Erica, whose children were shamed by members of their religious group because of her work, said to the group, “Did you feed my kids with your ‘clean’ money?”.

As mentioned earlier, a few of them acknowledged feeling shame about their work and its effects on their loved ones, but some of them, including some non-members of the Collective, clearly stated that they had no reason to be ashamed even if society looks down on them. Jackie asked:

“Why is it that men and women who make sacrifices for their children by working in other jobs are called heroes, but we are called bad women and bad mothers? Why are they telling us we don’t know what we are doing? We are making sure our families survive – it’s same thing those other parents are doing!”.

Merlie said:

“Yes, they judge me. It is shameful. But you know what is more shameful? Being a mother who cannot feed my children. Won’t you also feel shame if you are forced to watch your child starve ... or if you need to make them work instead of going to school? Or if they go to school, but with a dirty uniform, and no lunch? Don’t we also judge those mothers?”.

These self-construction strategies suggest a process of self-identifying with other honest laborers who contribute to the welfare of their families as opposed to deviant or duped women.

***Partially hidden transcript: sex work as work for beautiful, entrepreneurial, and wise women***

All my interviewees but Amanda emphasised their responsibilities to their children or families as the driving motivation behind their engagement in sex work. Chant and McIlwaine (1995, p. 20), note that even if women’s primary motivation for engaging in sex work is providing for their

families, it is also important to explore the extent to which ‘personal objectives’ coexist with, or override these aims. Indeed, several of my interviewees were candid about the aspects of sex work that they liked, without explicitly citing them as direct reasons for continuing to engage in sex work. These were often offhand comments made while they were answering other questions.

Amanda relished her wealthy clients’ lavish tips and her shopping sprees. Teresa’s regular client started messaging her halfway through our interview, and her friend Abigail joked about how Teresa will soon be able to pay for an upgrade on her gold braces. Both said sex work allowed them to afford make-up and nice clothes. Teresa also gestured toward her fancy smartphone, “And this!”. A few of them acknowledged that they liked being able to afford to dine out, shop for nice clothes, or travel within the Philippines, which is a lifestyle enabled by their work. Chant and McIlwaine (1995, p. 252) suggest that sex workers who are accustomed to large incomes may be unable or unwilling to move into other less well-paid jobs, which entrenches them in sex work despite the harms of their work. I argue that this is may be a legitimate criticism of materialism and consumption culture as a problem of late capitalism, but this behavior is not unique to sex work.

Some women also had a clear aversion to domestic work. Alissa, giggling, said, “I’m too pretty to be scrubbing toilets. That would be a waste of my good looks”, to which the other women in the group interview laughed. One of them pointed at her own face, “This beauty... I should use it, no? Why should I scrub bathroom floors? I will not be beautiful forever – I need to cash in now”. A few other women commented on the sheer drudgery and inferiority of working as a cleaner, salesclerk, or as a domestic helper relative to the thrill and excitement of sex work. While some of these comments were being made, the women looked at me carefully, quite likely so they could assess my reaction. When I laughed along with them, they were more likely to continue the banter. In the words of one of the leaders of the Collective, “If more women became sex workers, who will be left to exploit in factories? That’s why they’re afraid of us!”. In different ways, many of my interviewees, while conscious of the dangers of sex work, also saw themselves as disrupting traditional expectations of women to suffer and toil in low-paid work.

Bea said:

“I own my time. I can take days off when I want to, especially when I feel very tired and need to relax. If I’m tired on a Wednesday, I rest. I can work on Saturday if I need to. I can visit my family in the province when it’s convenient. I can meet my girlfriends during the day to just chat or go shopping together. I can go to the market whenever I want.”

Sandy (2006, p. 463) made similar observations in her work about her interviewees, some of whose decisions to engage in sex work were informed by a desire for a more independent and pleasurable working life.

Erica said she enjoyed the attention from her foreign clients, especially those from the Middle East. One of them, she said, “Didn’t last more than three seconds after I took off his pants ... he was so excited. My beauty ... our beauty ... they drool over Filipinas. It’s a good feeling.” Nora has had numerous foreign clients through the years who regularly returned to the Philippines specifically to see her and pay for her to stay with them for a week or two. She has gotten emotionally attached to clients, but has noted that “We must remember that this is just a job.” Nonetheless, those encounters made her feel beautiful and prized. Chant and McIlwaine (1995, p. 249) identify ‘falling in love’ with clients as an occupational hazard of sex work. This is a risk some of my interviewees have recognised, but one that they approach with awareness and calculation. “Don’t think with your heart”, several of them said.

While my interviewees were near-unanimous in suggesting that their duties to their children and families led them to sex work, their statements that suggest that aspects of sex work are rewarding, especially when viewed in the context of stigma against sex work, deserve to be considered as a relevant part of their description of their experiences. These comments from sex workers are traditionally dismissed as a form of self-deception or an ‘unconscious’ rationalisation of their abuse, or as them misconstruing male sexual attention and their own objectification as flattery and empowerment (Hoffman, 1997). I would caution against an overly simplistic conception of power and subordination. Within a neoliberal framework, individuals are judged based on their earning power and ability to provide for themselves and their families (Brown 2016, p. 9). It is important

to have a broader conversation about the pitfalls of neoliberalism as a political and economic rationality, but in a way that recognises how it governs most of our lives, not just sex workers. Sex workers, like everyone else, are subjects-in-the-world, which in this case happens to be a world where one's craftiness, ingenuity, entrepreneurship, and money-making skills are valorised. It is not a special form of disempowerment for them to conceive of personal success based on these characteristics. Janice noted that:

“We all know that some of our popular actresses whore themselves to politicians and businessmen.<sup>17</sup> We can't get enough of them on TV or social media. We joke about them, yes, but admit it... we admire their resourcefulness. But because I am not 'high class', it's not okay for me to do the same?”.

In this vein, several of my interviewees described their approach to clients as *'diskarte'*, which roughly translates into 'resourcefulness', 'style', 'game', or 'hustle' and is a term often used to describe how people have to make do with what they have (usually in competitive or economic contexts). My interviewees recognised the power their clients had over them and they did their best to direct it to their benefit. “It's like being an actress”, was a common line. “You make them feel special, or sometimes you tell them about your problems and they feel pity.” Several of them also explained that part of their work is persuading clients to want to pay to spend time with and engaging in sexual acts with them in the first place. Teresa said:

“Look, sometimes you have to find your clients. It's not as if we are just sitting here and then men are flocking to us. You also need to seduce them. You have to know how to flirt ... you need to be good at figuring out what works and what does not work with specific men. Some people think this is deceptive (*panloloko*) ... kind of like we are manipulating their emotions. Maybe that is partly true that we are schemers. But for me, I'm a performer. I want my client to have a good time”.

Some spoke about their physical attributes and client emotional management strategies as personal

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<sup>17</sup> She also spoke at length about Gretchen Barretto, a popular Filipina entertainer, who was a mistress of several high-profile politicians and business figures.

assets. Abigail said, “People are willing to pay a lot for my looks, my time, my company ... and to have sex with me. I am just being wise and grabbing the opportunity. As if other women don’t take advantage of male attention when they can (laughter).”

Some of my interviewees noted a similar dynamic with their clients. Clients, of course, know that it is a paid transaction and that sex workers would not be having sex with them otherwise. However, some clients value the illusion of feeling desired. A more cynical reading might be that some value the power to pay for sex, or the power to purchase control of women’s ability to refuse, which is how Pateman describes clients. In either case, sex workers exercise power in more subtle ways. According to Nora:

“Some clients don’t want to be reminded that this is a paid transaction... they want it to feel real and authentic. Others want to feel like they are always in control. I adjust. But I am always thinking... calculating... testing so I can preempt my client’s needs and de-escalate any conflict right away.”

It is important to recognise that even if clients (arguably) subscribe to a sexist worldview when purchasing sex, sex workers do not have to share this interpretation.

I do not wish to frame these stories as necessarily transgressive or emancipatory and I recognise the structural power clients have over sex workers and the potential patriarchal underpinnings of deriving fulfilment from the male gaze. However, I argue that my interviewees’ working lives do not reflect a hegemonic compliance with oppressive patriarchal norms, as they exercise some control over their bodies, their interactions with clients, and how they give meaning to these interactions. If anything, the stigma against sex work may mean that they have no social incentives to suggest that their work can be personally rewarding, beyond fulfilling their culturally prescribed roles as self-sacrificing mothers or daughters. And yet many of them conceive of their work as a form of entrepreneurship and self-reliance and some take pride in escaping the drudgery of menial jobs. Furthermore, my interviewees who suggested that their work can be personally beneficial also simultaneously enumerated the difficulties in their work, including the stress of navigating their family relationships and the abuses they experienced at the hands of clients, and especially

the police, which renders the view that they suffer from a ‘false consciousness’ simplistic. As Teresa said, “This might not be the best job I can have, but it definitely is not the worst job I have had.” Returning to Khader’s (2011) conception of adaptive preferences, I argue that it is possible to simultaneously prefer a current way of life and even derive pleasure and fulfilment from it, without being oblivious to its disadvantages.

### **‘It’s different when it’s sex’: can selling sex be legitimate work?**

At a labour rights forum in Manila hosted by a trade union with the support of the International Labour Organisation, one of the union leaders said, “Prostitution is not work. It is violence against women. Prostituted women should be rescued and given jobs.” I was seated next to Tex from the Collective, who raised their hand and asked, “We would like to respond to this, but may we first know how your labour union defines work?”. The union leader responded with “Work is... never mind.”

The anti-trafficking sector in the Philippines accepts certain forms of work performed by low-income women as precarious but still legitimate, but they draw the line at sex work. This is because sex is seen as deeply connected to women’s sense of selves, or at least because the extent to which sexual labour is embodied makes it difficult to separate oneself from one’s body during the transaction, which can be a traumatic experience. The sex workers I spoke to and the Collective in general had different conceptions of the relationship between their bodies and selves and different beliefs about the ethical acceptability of selling sex. Is there is an intrinsic harm to selling sex that makes it inherently dehumanising and degrading to sex workers? The answer for some women was no. For some, it was ‘not always’. For others, it was that selling sex was indeed, psychologically harmful, but preferable to other relationship arrangements where sex was expected anyway. Finally, even when the women themselves were ethically and physically uncomfortable with selling sex, including the two who expressed anguish at having to do so, they resented being forbidden from doing it.

Most were very clear that they were selling services, not themselves nor their bodies. “I still have my body. It’s here with me now. What do you mean I sold it?”, asked Lenny. Clara said, “Yes, I

allow people to do certain things to my body and I do certain things to theirs. We negotiate this. How do ‘normal’ people have sex – do they not have boundaries? It’s like that for my clients and me, but even clearer actually because we talk about it beforehand.”

Sex and sexual intimacy are also transactional in other relationship arrangements, especially if the state of heterosexuality is indeed as bad as MacKinnon and Pateman suggest. These arrangements may not be as straightforward as with sex work, payments are not always in cash, and in many cases, there are other emotions involved such as love and fidelity. Nonetheless, recognising these other arrangements is important because it undermines the argument that in settings aside from sex work, sex is always provided in a way that is pure and free of financial incentives. It must therefore be about the extent to which sexual and intimate activities are transactional. Chambers and Pateman both also advocate ending state support for marriage. Within anti-trafficking discourse in the Philippines, however, there is a neat distinction between relationships such as marriage, and sex work, with which my interviewees disagree. Some of my interviewees explained that if they did not engage in sex work, they would have been trapped with abusive partners who were their financial lifelines. One of them said, “Which job has a high risk of violence and requires you to perform sexual labour – to have sex or give a blow job - and sometimes get nothing in return? Marriage, right? How come we don't ban that?”. This woman was regularly beaten by her partner but she could not leave for three years because her earnings from doing odd jobs were not enough. She felt she could not refuse his sexual demands because of his violent tendencies and her financial dependence on him. She began doing sex work slyly, on the pretext of working as a waitress in a bar. She left her husband soon after. With sex work, she said, “I make and keep my own money. Yes, I have sex with men, but I did that before this anyway ... now, I lay there, pretend to like it, and boom, it’s over after an hour. I have 1,250. That’s my child’s milk for the week. And no one hits me”. Another interviewee described the process as, “Fucking my way from no freedom to some freedom.” Erica said:

“The best part of my work is I feel beautiful and desired. It’s very different from my experience with my husband, who told me, ‘If I leave you, no one else will touch you!’. It gives me confidence knowing people are attracted to me. Sex work isn’t dirty. My work is clean. It’s just other people who choose to view it as dirty. Why is it that my clients seem to

like me and respect me? Why do I experience more respect from my client than I did from my husband? Even husbands can rape their wives.”

One common claim made by anti-trafficking organisations such as CATW-AP is that sex workers suffer from dissociation disorders because sex acts are deeply traumatic. Firstly, medical claims of this nature should not be generalised to pathologise entire populations. For example, when an interviewee said she could automatically strip in front of a client with ‘no shame’, but would not be able to do so in other settings, I did not conclude that it was a symptom of a dissociative disorder. Across various occupations, our ‘work selves’ may be different from our ‘personal selves’ in a way that is deliberate and necessary. Secondly, my interviewees painted a different picture of their mental and emotional states during their sexual interactions with clients. Some of them thought of it as deep acting, while others said they allowed themselves to derive pleasure from the encounters but most of them preferred not to elaborate.<sup>18</sup> They found ways to distinguish ‘work life’ from ‘private/personal life’. For example, they refused to take on neighbours as clients, they wore different clothes for home and work, and in some cases used a different work name. A few of them did regard paid sex as morally wrong and said that during sex with clients, they focused their thoughts on the money they were about to earn and how important it was for their families.

Two of my interviewees unequivocally said they felt that selling sex was morally wrong and that they were sinning ‘in the eyes of god’. They struggled with guilt and shame, but explained that “god understands we did not want this, but we need to do it and he will forgive us.” All my interviewees identified as Christian, with most of them as Roman Catholics, the dominant religion in the Philippines. While I did not explore this theme in depth during my interviews, several of them did reference their religion. Dina said, “What I do with my body is really between me and my God, and it is not for anyone else to judge.” Karen reconciled her work with her religion, “My priest talks about sexual purity all the time. But what about feeding my children? What about being a good mother? I think God forgives me.”

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<sup>18</sup> Cheung (2013, pp. 247-248) had a similar experience with her interviewees and theorised that they had still internalised norms that shamed women for speaking about deriving pleasure from ‘dirty acts’ such as sex, especially sex with strangers.



The above demonstrates that my interviewees are able to construct for themselves the meanings of the sex acts they engage in with clients. However, historical and cultural norms of ‘good womanhood’ also pose interpretive limits on them. Sex workers, too, are acted upon by norms that condemn sex outside marriage for women, especially with multiple men, and these norms are manifested in the stigma against sex work. This conception of the body as intertwined with an ‘essential core self’ that is lost in the act of sex may be partially explained by the pervasive Catholic morality that regulates relationships and gender roles in the Philippines. Spanish colonisers imposed sexual norms through direct force and more subtle forms of coercion such as the aggressive promotion of icons like the Virgin Mary who is still idealised as a model of female behaviour (Brewer 2004, pp. 79-80). Women who openly defy moral prescriptions that bind sex to procreation and marriage, let alone have sex with strangers, face a significant degree of social opprobrium. This has led to women in the Philippines being predominantly judged (and judging themselves) as ‘good’ or ‘bad’ based on their sexual behaviour (Chant and McIlwaine 1995, p. 153). These sexual norms are increasingly transgressed in private spaces but are still publicly maintained. This has also led to women engaging in practices of ‘social distancing’ such as explicitly demeaning sex workers. Some of my interviewees also experienced being cut off by friends who left sex work to ‘start a new life’.<sup>19</sup> My interviewees grappled with this in their lives but most of them resented the conflation of personal dignity with sexual purity that is dominant in discourses promoted by anti-trafficking survivors who are identified with anti-trafficking organisations such as CATW-AP.

Therefore, while sexual interactions are important, are not (and do not have to be) the central basis of identity formation for most of my interviewees. Most do not feel deeply traumatised, violated, and degraded by selling sex, and their shame is tied more to the stigma around it. Insisting that sex acts are experienced as intrinsically tied to women’s identity ignores women’s knowledge of sex from their own experiences of it (Showden, 2012, p. 17). Several of my interviewees were emphatic that they had experienced rape, and they could make the distinction between consensual sex work and rape, which are different experiences that should not be flattened into ‘trafficking’.

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<sup>19</sup> The terms used were ‘deadma’ (short for dead malice) and ‘di na namamansin’ (they no longer greet back), which suggest an active snub or rejection.

Mac and Smith (2018, p. 45) make a similar point about how part of believing women when they say they were raped means believing them when they say they were not. Attention to individual women's knowledge is extremely important because it is a necessary step in building a political culture and legal regime that takes women seriously as sexual subjects, which has implications for how we regard women's bodily autonomy and opening up sexuality norms, which presumably is a feminist goal (Showden 2012, p. 17). Incidentally, this claim of a loss of identity or dignity through 'loveless' sex is not made in relation to male clients or male sex workers. In fact, it might be the laws against prostitution that enshrine the 'special status' of sex by putting identity-bearing weight on sex acts, which then reinforces the stigma on sex work and reifies the view of female sexuality in general as submissive or endangered, which becomes a self-fulfilling cycle.

Additionally, the argument made by Phillips that prostitution is an intrinsically unequal market, more so than others, also neglects that there are other markets we consider to be legitimate that arise under conditions of gender inequality: domestic workers in the Philippines and overseas Filipino domestic workers are predominantly women. This job entrenches women's care-giving and household management roles. Like sex, care work is ordinarily provided as an act of intimacy and is only commoditised out of economic necessity. Just like sex workers' bodies are 'read' in gendered ways by their clients, workers whose bodies are 'read' as being caring or deferent based on racial, age, and gender stereotypes are preferred by employers for domestic work (O'Connell Davidson 2014, p. 521). The global industry boom has led to a sexual division of labour, especially in the third world. Manufacturing in textiles, garments, and footwear, for example, requires predominantly female workers because of their submissiveness, docility, and other perceived gender traits (Eviota 1992, p. 125). Day (2010b, p. 826), in summarising the questions asked by activists and scholars such as myself, states, 'Why was it acceptable for women to sell some apparently domestic attributes and not others?'.

## Conclusion

In this chapter, it has been shown that sex workers have different relationships with their bodies: some are able to legislate a clear separation between themselves and their bodies and others are not. IACAT and PCW have not accounted for the reality that sex work is a site of multiple

meanings. It is not implausible that some clients act in ways that suggest they feel entitled to women's bodies. However, it is untrue that prostitution is simply something that is 'done to women and their bodies', or that women who sell sex can only ever be constituted as submissive sexual objects. From my interviews in the previous chapter and this one, it is clear that sex workers actively interact with their clients – in many cases pursuing, seducing, touching, and sexualising their clients, and in some cases, allowing themselves to enjoy the experience, which is in itself already a re-articulation of traditional sexual interactions, where women are expected to display modesty and self-denial. I recognise that a few of my interviewees did feel as though they were selling fractions of themselves. A few felt guilt over engaging in what they saw as immoral behavior. However, for many of them, the 'cultural content' of their sex acts did not correspond to the 'sexual subjugation' model assumed by PCW. Even in the context of the 'most vulnerable' class of sex workers, there is room for reconfiguring cultural meanings about sex and/or morality – especially so when sex workers are not constantly shamed and pressured into thinking of selling sex as submission, self-harm, and a loss of self/dignity.

Nonetheless, even if bodies are not distinct from 'the self' in sex work and sex work involves unique 'exposure' to other bodies, these are not enough to rule out agency or reduce sex workers to their bodies. Entry into sex work is not any more 'coercive' than other precarious work. Furthermore, sex workers also do not have to act in ways that are normatively disruptive of the patriarchy or capitalism to be judged as 'agentic'. However, some of them do behave in ways that resist the traditional norms that lock women into gendered forms of labour or define women's status based on their sexual respectability, a theme that is further extended in the next chapter. There are many 'unfreedoms' in sex work in its current configurations, and it would be incorrect to say sex workers always have agency. Therefore, public intervention is needed, but in a way that expands rather than restricts freedom; and in a way that is mindful that any prostitution policy inevitably involves calling upon the state to regulate human sexuality. I summarise the stakes of state intervention through different regulatory regimes in the last chapter.

## **Chapter 6: Salvation as violence: anti-trafficking and the rehabilitation of rescued Filipino women into moral neoliberal subjects**

“We need to isolate them in shelters so that they don’t return to the streets and bars. We need to make them understand that they are victims.” (Social worker in a leading anti-trafficking organisation, personal interview, July 8, 2017)

In this chapter, I revisit the official rationale for anti-trafficking rescue and rehabilitation interventions and interrogate the rehabilitation process based on data from individual interviews with ten women who were rescued from sexual exploitation in Metro Manila. I discuss their reflections on their encounters with the state and their experience in rehabilitation shelters. I focus on the process of reconstituting them from ‘victims’ to ‘survivors’, the violence involved in transacting with their rescuers for survival, and their reintegration into society as ‘empowered women’.

Hill (2014, p. 78) examined New Labour’s ‘sympathetic shift’ on prostitution in the UK in the early 2000s which was informed by the hype around trafficking. Sex workers were depicted in official rhetoric as victims instead of sex offenders, much like the anti-trafficking sector’s move in the Philippines. She argued that this shift allowed New Labour to express sympathy for sex workers but also forcibly subject them to ‘moral welfare’ interventions, while the state itself dodged its obligation to reduce their economic vulnerability (p. 79). She describes this as a policy of treating them as *victims first*, but one that ultimately tied sympathy to women’s willingness to comply with reformation, which can more accurately be described as *sympathy before sanction* (p. 94). Broadly, I argue along these lines and add that the experiences of my interviewees suggest that anti-trafficking duty-bearers such as law enforcement agents and shelter providers fell short of their own objectives to provide support and adequate services both in the material sense of living conditions and economic alternatives, and in terms of upholding the principles of ‘do no harm’ and self-determination. Furthermore, the disciplinary practices and moral regulations to which sex workers and trafficking victims are subjected during the rehabilitation process are part of an ideological project that constructs sex work as deviance and directs women towards low-paying, labor-intensive alternatives that conform to normative femininity. In doing so, rehabilitation

processes address the problem of trafficking by repairing ‘problematic’ individuals rather than confronting state failure and complicity.

In 2010, Gallagher and Pearson (p. 78), reported that shelter detention was overwhelmingly directed towards women and girls, often justified by the need to protect victims of trafficking from threats to their lives. Most shelter providers asserted that detention victims themselves had consented to restrictions on their freedom of movement. Others were upfront that victims were needed for prosecution and must be kept from running away. Even the 2014 US TIP report (US Department of State, p. 314) noted the absence of guidelines on freedom of movement in anti-trafficking shelters in the Philippines. Similar observations about detaining women against their will in the guise of rehabilitation have been made about IJM and the anti-trafficking sector in Thailand (Kinney 2014, pp.154-158). Kinney observed that women’s interests were subordinated to law enforcement goals of building strong prosecutions against perpetrators. As established in Chapter 3, the Philippine anti-trafficking sector has embraced prosecution as a major metric of success. In this chapter, I draw on my interviewees’ stories to show that their experiences are consistent with Gallagher and Pearson and Kinney’s observations that women’s interests are subordinated to other agendas (usually criminal justice goals) in rehabilitation.

I discuss ten women’s stories. Six of them identified as sex workers, and I have also discussed their stories in previous chapters. The four who are being introduced here identified as trafficking survivors who were rescued by organisations or individuals with an anti-trafficking mandate. These self-identifications are nuanced and tricky. In a legal regime where selling sex is criminalised, or where state assistance is in practice restricted to those who identify as victims, women engaging in prostitution who are rescued may be incentivised to present themselves as victims. At the same time, some of those who identified as sex workers and rejected the label ‘trafficking victim’ would have been less averse to being ‘rescued’ if they were provided meaningfully better alternatives. They also identified as victims, but consider their aggressors to be the police and repressive state policies, not their clients or third parties. To further complicate the categories, two of them were rescued as minors, but willingly returned to sex work as adults. The categories are not neatly distinguished, nor do the women in each category always have a collective identity. Ultimately, however, I made the choice to uphold their self-identifications in

categorising them, but attempted to reflect the complexity of each case. All ten had escaped or been discharged from shelters for at least a year before our interviews. I use pseudonyms and remove identifying information when I discuss their stories, and I only name specific shelters when I have been given explicit permission.

I asked my interviewees about the encounters with state agents that led to them being sheltered, the specific shelters they stayed at and for how long, whether the processes involved were explained to them and if they were told they could refuse being sheltered, if they had refused rescue or shelter at any point, whether they were consulted about their situation and the interventions they would be subjected to, whether they attempted to leave or escape, whether they were allowed to communicate with people outside the shelter or leave the shelter premises during their stay, whether they were working or had a source of income while at the shelter, whether their dependents, if any, had other sources of income while they were sheltered, the circumstances behind their release from the shelters, whether they were allowed to provide feedback on their experience, what they did after leaving the shelter, and other thoughts they had to describe their experience of being sheltered and rehabilitated. We also touched on the need for post-abortion care and management of sexually transmitted diseases, but several of them raised that even if they wanted to discuss sensitive information with me on these topics to share their frustration at the negligence of shelter providers, they were too embarrassed to have it discussed in detail in my research. For this reason, I am omitting this theme from the discussion.

### **The rescue and rehabilitation project**

Rescue operations and rehabilitation programs are core interventions in anti-trafficking. As explained in previous chapters, an understanding of prostitution as victimhood justifies the extraction of individuals from ‘sites of exploitation’ such as streets where prostitution is rampant, or commercial establishments where prostitution may take place. In some situations, individuals who sell sex are rescued and released. In some situations, as described in previous chapters, the ‘rescue’ results in them being jailed, fined, harassed, or extorted. In other situations, rescue is followed by rehabilitation. The legal ambiguity on prostitution creates an environment where these decisions are highly discretionary and provides opportunities for police corruption. The logic

behind rehabilitation is to turn victims into survivors and to restore their agency and dignity. The Department of Social Welfare and Development (DSWD), which is a co-chair of IACAT, defines rehabilitation for victim-survivors as direct services which include ‘psychosocial, medical, educational, legal, protective custody, and economic services that will enable the clients to recover from the traumatic experiences and enable them to successfully reintegrate with their families and communities’ (2015, p. 3). They also suggest that, ‘Victims of trafficking do not readily accept offered services because of mistrust they developed after the trafficking incident’ (2015, p. 9).

The ‘psychosocial’ interventions in rehabilitation draw on a feminist tradition of consciousness-raising as a way of understanding one’s experiences in the context of power structures and as a political practice. MacKinnon (1989, p. 83) describes consciousness raising as ‘a collective critical reconstitution of the meaning of women’s social experience, as women live through it’. Scientific and philosophical discussions are helpful but inadequate for feminism, because women need space to uncover and analyse the impact of male dominance through collectively speaking about their experiences. This alternative way of seeing and knowing disrupts hegemony by exposing it and opening it to critique. It also reveals that how things are is not always how they must be. Women’s powerlessness is both internalised and externally imposed; therefore, transforming women’s consciousness, is a path to personal and social change. In its ideal form, consciousness-raising takes place in a non-hierarchical setting, with an ethic of openness, honesty, and self-awareness (p. 85). In a rehabilitation program (or in any rescue context), shelter residents may be each other’s peers, but they exist in a subordinate position to social workers, counselors, lawyers, and NGO officials, who also have their own agenda. I discuss the distortive effects of these hierarchies on the rehabilitation process later in this chapter.

Furthermore, the figure of the ‘survivor’ is immensely valuable to the anti-trafficking movement, as explained in Chapter 3. While women’s activists deployed the victim narrative to lobby for the passage of the Anti-Trafficking Law, they also used the narrative of advocacy, agency, and empowerment when fashioning former prostitutes and survivors of trafficking into feminist activists (Roces 2009, p. 270). The creation of trafficking survivors-advocates is a deliberate and central goal of the rehabilitation process, as shown by my interviewees’ stories.

PCW, in coordination with IACAT (2013, pp. 11-14), outlines the process of rescue and rehabilitation in their *Guidelines on the Protection of the Rights of Trafficked Women*: The rescue team is composed of trained officers from the Philippine National Police or the National Bureau of Investigation (NBI) and social workers from the DSWD or accredited NGOs. Trafficking survivors may also participate. Throughout the process, trafficked women shall be recognised as victims and their consent to the intended exploitation shall be irrelevant. After initial investigation by law enforcement, the women should be turned over to the DSWD or any accredited NGO for case management. Women should not be detained or deprived of their liberty and women's ethnic, cultural, and religious practices must be respected. PCW guidelines commit duty-bearers to the principle of 'do no harm', which is described as 'the ethical responsibility... to assess the potential harm of any proposed action and postpone, discontinue or terminate such action, if there is any reason to believe that it will worsen the individual's situation or condition', and to the right to self-determination and informed consent of victims (pp. 5-7). True to Roces' argument, PCW's guidelines state that trafficking survivors should be encouraged to take active roles in raising awareness about trafficking and should be assisted and supported in doing so by the anti-trafficking sector (p. 22)

My interviewees stayed in anti-trafficking safe houses or shelters that were either run by the DSWD or by NGOs accredited by the DSWD, some of whom are faith-based. Some of these shelters are designed for short-term stay until residents are discharged or placed in longer-term shelters. It is also not unusual for women to go through several shelters during their 'rehabilitation' period. These shelters are not always exclusively for women who have been rescued from sex trafficking. Most of them also house female victims of non-sexual labour exploitation or intimate partner violence, and young women 'in conflict with the law'. The shelters that are run by accredited organisations report to the DSWD and have their licenses regularly renewed. Most of them have access to government funding and are managed by organisations that usually provide other services not directly related to shelter management such as policy research, advocacy, and trafficking prevention.



## **Critiquing notions of empowerment**

The core purpose of rehabilitation is ‘empowerment’, defined as enhancing the innate strengths and capacities of the trafficked women to make decisions for themselves and assisting them to secure access to and control over needed resources and acquire knowledge and skills to function independently (PCW 2013, p.6). When this definition is contrasted with my interviewees’ stories, it seems that this purpose is not always met. Their stories uncover a broader ideological project of turning victims into survivors by producing moral neoliberal citizen-subjects who have exited sex work, but are still responsible for their own and their families’ survival. The regulation of women’s mobility and sexuality in shelters reinforces this combination of gendered morality and individual responsibility. Despite official guidelines stipulating otherwise, my interviewees felt pressured into cooperating with law enforcement to prosecute perpetrators and believed that assistance from the state was conditional on them doing so. While they mostly complied with the formal and informal rules during their rehabilitation programs, they demonstrated a clear awareness of the exclusionary and exploitative dynamics of the process. While their overt compliance might be taken by the anti-trafficking sector as evidence of the system’s success, my interviewees demonstrated a level of suspicion toward their rescuers and a deep dissatisfaction with their experience, which I explain in later sections. As established in the previous chapter, in certain situations, performative cooperation with regulations can be a form of transgression.

In the next paragraphs, I introduce my interviewees and describe their initial encounters with the anti-trafficking sector at the point of rescue. I then discuss the key themes that emerged from my interviews and situate these in a broader critique of rehabilitation efforts.

The first six have already been introduced in Chapter 4 and I use the same pseudonyms for them in this chapter: Rica, 18; Alissa, 21; Merlie, 37; Christine, 38; Lydia, 34; and Sara, 38, do not identify as trafficking victims, but Rica and Alissa were rescued from street prostitution when they were both under 18, which legally classes them as victims at the point of their rescue, since the Anti-Trafficking Law explicitly disregards consent for minors. Both returned to sex work after being discharged from shelters and both reported overall negative experiences of their rescue and rehabilitation:

Rica was rescued along with other women in an entrapment operation conducted by the NBI in a popular mall in Recto, Manila, when she was 15. This mall is known as a meet-up location for sex workers and their clients. She showed me a video of their rescue, which was featured in a national news program, and is now posted on YouTube.<sup>20</sup> Her face was visible in the video and this upset her greatly. There were no social workers present. Rica said that no explanation was provided to them by the police as they were being dragged into the vans. In the TV report, two of the rescued women were asked by reporters about why they engaged in sex work, and they said that they did not have other jobs. The third parties arrested said that they were only helping women make money, and that it was the women who messaged them to ask to be introduced to clients. NBI agents who were interviewed in the report said that the fifteen women rescued were ‘trafficking victims’. Seven of them were minors, while the others were adults. Despite this claim, Rica said that the adults were jailed while she and the minors were placed in a shelter. She added, “After a few months, I was freed”. Rica said she was traumatised by her rescue and stayed home because she got scared, “I slept, I ate, I washed clothes for a living”. After a year, she returned to sex work.

Alissa was 17 when she was rescued. A man approached her on the street and invited her to chat. She took him for a possible client. As she was speaking with him, they were joined by three women and two men from the NBI and IJM. They sat her down on the sidewalk and told her, ‘Don’t run, okay?’. She said “I lost my strength when I realised what was happening, but I ran anyway. They found me. I lost my companions, but it turns out they were also taken. The media arrived and they covered the whole thing. They took photos and videos of my face. But when I saw it on TV, they had hidden my face.” She was received in the van by a social worker, who asked if she was angry and clarified that she was being rescued and that it was the ‘pimps’ who were being arrested. She recalled the social worker saying, “You should not be doing this. Why do you need to do this? There are many decent jobs.” She also recalled feeling so ashamed and crying throughout. After a few days at IJM’s shelter, she was placed in a DSWD shelter for a year and eight months, and then Wipe Every Tear (WET) shelter for two months. Her young child stayed with her at WET. She did not want to stay in IJM’s shelter because they kept making her sew and saying, “Why don’t you try this instead of prostitution?”. The rehabilitation process was explained to her, “But they lied. They said it would take days or weeks! I was seventeen when I was rescued and nineteen

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<sup>20</sup> For ethical reasons, I have chosen not to share this.

when I escaped! They also said things like ‘there’s a swimming pool and you will have fun’, but it turns out it was a river! They made a fool out of me!”. At DSWD, residents were told that they were not allowed to have money. When visitors personally gave them money during special events, the social workers confiscated it. They were promised the money after being discharged, but it was never given to them. At WET, she repeatedly asked to leave, but they did not let her, so she escaped. She ran away from the school they sent her to. She had the option of making greeting cards and earning 80 cents (USD) for each that was sold, but WET sold it for much more. She added, “They took money off my allowance for every small mistake - littering, forgetting to turn off the lights or the fan in the room, clutter, handing in my assignment late”. She returned to sex work right away, “I had no money. I was far from my parents. And I really did not want to sew”.

Merlie called an anti-trafficking hotline and asked to be rescued because she was being sexually abused by her brother-in-law, but she did not feel victimised in her work as a sex worker. She voluntarily entered a shelter for victims of trafficking and domestic violence in Cubao to escape the abuse and because she had a young child and nowhere to go. At the shelter, she was taught how to weave mats but was strictly required to stop selling sex. She barely earned from the mats she produced. She said that residents were also made to care for children without pay and forced to attend Catholic mass. She left because she needed to find ways to earn more. She made very clear that sex work was not her problem, but the sexual abuse of her brother-in-law and the unwillingness of her sister to believe her. She lamented having to choose between receiving assistance as a victim in that situation and giving up sex work, which she needed to keep doing to support her child.

Christine, Lydia, and Sara were rescued as adults. Christine and Sara were visibly angry about their experience. Christine used to pay bribes to cops when she was in her 20s, but in her 30s, she could not afford it. She thought this could have been why she was ‘caught’ in a street raid by cops and sent to an anti-trafficking shelter where she stayed for a month. In her words, “They did not provide me with alternative work. They wasted my time. There was no point in disrupting my life like that. Well, no point for me. But I am sure they made money by pretending to donors that they were making my life better”. Sara was tricked by an anti-trafficking police officer pretending to be a client. When she took him to her home, he revealed his identity and said he had coordinated

with social workers to turn her daughter over to the Jose Fabella Center, a transient center for ‘distressed and disadvantaged individuals’. Despite her protest, he took her child. Sara had to check herself into the shelter to be reunited with her child. As it was a temporary shelter, she and her child were released in a few days. She asked, “What was the point of that? My child was traumatised! For a week she had nightmares about being taken from me. Also, he did not pay for the sex!”. Lydia was asleep on the street in Quezon Circle. The police poured cold water on her as they raided the street to rescue potential trafficking victims. They took her to Jose Fabella Center. This coincided with a major political event being hosted by the government. In her words, “I was hidden for four days, and then released as if nothing happened”. All three returned to sex work after being sheltered.

Four were trafficking survivors whom I interviewed across multiple sessions individually over April to July 2018: Luisa, 20, was rescued when she was 16 by anti-trafficking police with social workers from DSWD and IJM because she was being sexually exploited for profit by an older family member. She was rescued from her home in Payatas, Quezon City, an economically depressed area. Angel, 21, was working as a domestic worker in the Philippines when she was 15. She was beaten and sexually exploited by her employers. She called the anti-trafficking hotline that she saw in a poster at a bus station and was rescued by DSWD and social workers. Juana, 23, was rescued from a cybersex den, when she was 15. Juana’s parents could not afford to send her to school. When she was 13, a distant relative offered her a job as a nanny as a way to deceive her into working in his cybersex den, where women performed live sex acts for a foreign audience. According to her, she was not forced to stay and could leave any time. When she was 15, her relative threw a party to which her mother had been invited and her mother walked in on her in the middle of a session with an online client. Her mother begged her to come home but Juana said that she was too ashamed and that she also wanted to save up money for school, “I already managed to do it several times. I might as well just keep doing it”. Juana was then tasked with recruiting more women for the cybersex den, and she found three recruits who were between 14 – 16 years old. These women, upon realising the real work involved, reported it to the authorities. Anti-trafficking police raided the den two days later and took her and the other women to a crisis center. Juana filed a case against her recruiters through the help of the center. Because of threats to her life from her perpetrators who did want her testifying in the case against them, she was referred to a leading

NGO with a safe house. Carmel, 23, was rescued from a bar when she was 19. Her work included dancing on stage and entertaining guests. Clients sometimes took her out, for which they paid the bar a fee. She received roughly 35 USD for every two hours with a client, which is three times the daily minimum wage. She was not indebted or forced to work and could leave any time. The social workers at Visayan Forum Foundation (VFF) persuaded her that she had been victimised and instructed her to file a case against the bar owner, but the case was dismissed. Carmel tentatively identified as a ‘survivor’. After leaving the shelter, she regularly engaged in freelance sex work and received client referrals from her friends via social media.

### **Different ethical worlds, similar reflections on rescue as detention**

One similarity among all my interviewees, regardless of their view on the morality of selling sex, or on whether they identified as trafficking victims, is the language they used to describe the different aspects of their experience of being rescued that suggests their conflation of shelter with detention. Rica referred to her release from the shelter as “freedom”, and regularly used the words “escaped” and “got out”. Alissa described the rescue of her friends as them being “taken”. Lydia felt she was being “hidden” rather than helped. Christine described her experience as being “caught”. Sara described it as being “trapped”. Rica and Alissa repeatedly described curfews as being “*nakakulong*”, which translates to ‘being detained or imprisoned’.

Except for Merlie, who left the shelter on her own, the rest said that it was unclear to them how long they would have to stay in the shelter or safe house. The four who identified as trafficking victims, and the two who were rescued as minors, were regularly told by social workers that cooperation with law enforcement in prosecuting their perpetrators would hasten their release. Alissa reflected on the arrest of one ‘pimp’ at the same time she was rescued: “I was specifically told, ‘You need to pin down this pimp so you can leave or you’ll stay here for a long time.’ For me, they should not have jailed her. She was not even our pimp! The worst part is my friends and I could even not defend her. I have a child that I need to think about”.

For the safe houses and shelters they stayed at, daily curfews ranged from 5 to 7 PM. They were only allowed out of the shelters to attend school or university, if at all. Generally, they were entitled

to one call per week and not permitted mobile phones. They had to remain within the premises of the shelter or safe house for the entirety of weekends. Restrictions on their mobility were often justified as necessary to protect them from perpetrators who may harm them or get in touch with them to threaten or manipulate them. This was untrue for Sara and Christine, who were freelance sex workers, or for Luisa whose abuser died shortly after her rescue. Juana, Carmel, and Angel said that they would have chosen not to pursue charges if it was made clear to them that their lives would be further endangered, thereby extending the time they needed to stay in a safe house. Over a period of three years, Juana and Carmel, both adults, repeatedly begged their social workers to let them live independently. Under the law, they were entitled to tuition fees and stipends. However, they were repeatedly turned down and told that access to assistance was conditional on them completing the ‘rehabilitation process’ and that having them in a safe house made it easier to prosecute their cases. In Juana’s words, “I am the victim, but I’m the one who was locked up for years”. Angel had similar thoughts, “I’m the victim, and yet I am the one hiding and I cannot move on with my life because my perps are trying to hurt me until the case is dropped. I don’t even want to pursue this case!”. Their experiences suggest the prioritisation of criminal justice goals over the well-being of vulnerable actors by duty-bearers, even if this is rebranded as rehabilitation.

Some of my interviewees resisted being rescued and demanded to be released, but they were ignored. Flores-Oebanda, director of VFF, a multi-term IACAT member, as she is cited in Linao (2012, p. 33), says, “They see us as getting in the way, that we are taking away their jobs and opportunities. Some of them even vandalise our shelters. But eventually, they appreciate it”. The eventual ‘submission’ of these women is hardly ever interrogated and it is often concluded that they eventually realised the value of the process. This view undermines the anti-trafficking sector’s stated commitment to self-determination in terms of how they deal with victims who may value their mobility over prosecuting perpetrators. It also undermines the right to self-determination of women who do not identify as victims. It suggests that those who have yet to be rescued are victims whose best interest is being rescued. A quick look at the internal training materials of two major nonprofit organisations in the Philippines reveals that social workers regularly perceive rescued sex workers as ‘challenges’ or ‘problem victims’ who do not recognise their own victimisation, and need ‘processing’ and ‘healing sessions’ to help them understand. The materials include reminders

about how adult sex workers brought in for counseling after raids are more likely to try to escape or question procedures that require them to be ‘processed’ before they can be discharged. While some forms of trauma may require psychological ‘deprogramming processes’, especially for minors, this diagnosis is usually made after a careful examination of individuals by medical professionals. Here, there seems to be an a priori assumption by anti-trafficking organisations that sex workers as a category do not know what is in their interest, despite attempts by sex workers in the Philippines to challenge assumptions of victimhood and a thriving global sex worker rights movement.

### **Moral regulations**

Many of my interviewees repeatedly emphasised across their answers to my various questions that they were subjected to strong, often Christian, moral regulations. All of them were required to perform chores in their shelters, which they were told by social workers was a way of building discipline. Luisa was first sheltered at a nonprofit rehabilitation center for young women accredited by the DSWD. All the women and girls in the shelter had to wake up at 4:30 AM and perform rotating chores such as cleaning the buildings and cooking. Those who failed to wake up on time were given penalties such as being made to stand in a corner all day or dig the compost pit. Upon graduating high school, she was then transferred by DSWD and IJM to First Love International, where she said she experienced ‘serious problems’. Luisa got a boyfriend, but was told by social workers that it was forbidden because she was on a scholarship paid for by missionaries. She asked to be moved because the “moral restrictions were too intense”. When she turned 18, she was moved to another well-known shelter. The house rules were restrictive. They woke up at 5:00 A.M. to exercise and clean the shelter. Otherwise, they were denied breakfast. They were not allowed naps. Luisa disclosed that she was not Catholic, but they instructed her to attend worship services. Additionally, she said, “Our housemother required us to pray the rosary in the evening. I did not want to, but she forced me. The first time I did not attend, she went up to my room and said, ‘I wouldn’t want you to be my child.’ I cried so hard. I felt forced to pray. We all did”.

Moral messages were often embedded in the ‘empowerment rhetoric’ of these organisations. My interviewees were told by the social workers and counselors that selling sex destroys their dignity

and that they should never allow themselves to be ‘used by men’ this way. In the process of reclaiming their dignity, they were encouraged or required to dress modestly, avoid make-up, and use more polite language instead of street slang. They were discouraged or prohibited from having boyfriends and going on dates. Those who attempted were told by social workers that they were being ‘flirtatious’ and ‘easy’. Women who had romantic relationships with each other in the shelters were summoned for counseling and instructed to break up. Some of them managed to keep their boyfriends or same-sex relationships secret. Alcohol and smoking were banned. Social media use was heavily restricted to one hour per week. Carmel and Juana recounted being told by social workers that these regulations are necessary to ‘erase’ any bad habits that they may have imbibed while they were in the sex trade. In light of these stories, I wondered if the emphasis on isolation, which is discussed in the previous section, is as much if not more for moral reasons than security, to make it easier for residents to be morally counselled and remade into better and more virtuous women. Merlie, Sara, and Christine were repeatedly told that sex work was a lazy option and one that made them irresponsible mothers whose children would be ashamed of them. They felt guilt and humiliation, but also resentment because sex work was also the best way for them to carry out their duty as mothers and providers.

There seemed to be a ‘doublespeak’ in how prostitution was regarded by rescuers. The premise of the rescue and rehabilitation project was that prostitution was universally victimising because it was a forced choice driven by poverty and a form of male violence against women. On the other hand, prostitution was also regularly characterised as ‘easy money’ and ‘dirty and immoral work’. Juana was asked by the head of the anti-trafficking NGO that sheltered her about why she agreed to work in a cybersex den, “For 1500, you let someone use you?”.

Carmel was told by a law enforcement agent, “We will recommend to the DSWD to get you tested once you are turned over because your vagina is probably filthy.” Angel spoke about an informal distinction between women who were rescued primarily from domestic violence or labor exploitation and those rescued from prostitution. Social workers had said to her, “Don’t be like them. They are vain and stubborn. Such headaches!”. This moral judgment betrays a recognition of the agency of women who engage in sex work because it holds women responsible for their behavior. However, it does so in a way that undermines the premise of rescue and rehabilitation



and robs women of agency anyway because regardless of whether women were forced to sell sex or chose to do it, they were being shamed for it. For those who did not identify as victims, it was the rehabilitation process imposed a traditional conception of sex as female submission to male power on them because it required them to retroactively interpret their sexual experiences in this light rather than deferring to their own sexual knowledge.

## **Moral economies**

Some of my interviewees were asked to produce ‘anti-trafficking’-branded merchandise and other products for sale to ‘ethical’ consumers but were barely compensated for it. Juana and Carmel joked about the irony of anti-trafficking organisations engaging in labour exploitation. They were told to move into jobs such as factory or domestic work, baking, sewing, handicrafts, and small-scale entrepreneurship. They were subjected to what Brown (2003) describes as an ‘economic rationality’, and recreated as economic agents whose worth and virtue as mothers is measured by their capacity for future self-care, which Brown defines as the ability to provide for their own needs. These processes of identity reconstitution or ‘moral repair’ involved spiritual and values formation, and instructions to reclaim their dignity through ‘honest and decent work’, which often resulted in many rescued women working longer hours and earning far less than they did selling sex. Ultimately, these women are still held responsible for the welfare of their families, despite this being the same source of vulnerability that led to the conclusion that their engagement in sex work lacked consent. The difference is that rescuers were less likely to problematise these low-wage and precarious alternatives as much as they did sex work, even if these alternatives also conformed to gendered forms of morality such as women’s suitability for care work, or work that required docility and submission. The social workers they interacted with made it clear that state assistance was conditional on them completely exiting sex work. Under these terms, some of them returned to sex work instead because the alternatives on offer were not viable.

Some of my interviewees absolutely wanted alternatives to prostitution, but they did not receive this. Luisa, Angel, and Juana regarded their rescue and rehabilitation as transformative. All three said they will never turn to prostitution, even if it meant begging, because prostitution is immoral and would strip them of dignity. Juana looked back on her experiences and regretted ever

considering that performing sex acts in front of paying clients was acceptable. Three of them considered this to be a legacy of the rehabilitation process. Nonetheless, all three left the shelter without any ‘reintegration assistance’ or realistic economic alternatives from their host organisation. Luisa, who was a student at the time of the interview, worked part-time to fund her studies. Angel became a religious worker, and Juana had a child and was struggling with her small business. Carmel felt worse about selling sex after she was released from the shelter. When I asked for an explanation, she said she started feeling guilt and shame about her previous work after the ‘processing sessions’ with social workers and shelter counselors who helped her realise sex work dehumanises women. Nonetheless, when she gave birth a year after being discharged from the shelter, she decided her child’s quality of life was her priority, and that sex work was her best option. At the end of our interview, she winked at me and said, “So do I sound like a good girl now?”. Carmel’s case illustrates the gap between how victims’ identities are constructed by their saviors and how they viewed themselves, which can lead to feelings of guilt and shame, especially when they are discharged and find that sex work is still the most viable option for economic survival.

### **Transacting with rescuers**

Luisa, Angel, Juana, and Carmel spent the longest time in shelters. They described an atmosphere where they were regularly made to ‘feel grateful’ for being rescued and sheltered. Carmel explained that she was always afraid to be critical of shelter policies because “we were dependent on them for shelter, food, and a small allowance”. Residents were not briefed about their legal entitlements to subsidies from the government (despite financial claims made on their behalf by the NGOs involved). Four of them had to beg for an allowance and to be sent to school. Juana was told to work part-time as a domestic helper after school to fund her medication for a spinal injury. IJM paid for Luisa’s college tuition and stipend because the anti-trafficking NGO that ran her shelter refused to pay for college, despite including tuition fees in their budget reports to donors. Only a fraction reached her. “Everyday, I cried and begged the social workers for my fare and to be allowed to leave for school. My classmates gave me food. I lost weight and got sick. I was miserable. Sometimes, I just walked to school and I went hungry”. These practices breach official guidelines for shelter management and victim protection, but the shelters involved continue to have their licenses renewed and receive state funding. Carmel explained, “When inspectors arrive,

they make them talk to the friendliest girls. But the rest of us are also afraid to say anything – we know that NGO bosses are friends with the people in government agencies”.

Luisa, speaking about her experience in a shelter run by an NGO that at one point had a seat in IACAT, revealed that they were regularly encouraged to share their stories with funders who visited the shelter as guests and to highlight the most harrowing experiences. They were told to approach guests and be friendly, but also to drive conversations in ways that allowed them to discuss their stories of victimisation. She joked that some of the women’s stories evolved within weeks to sound more and more horrific, including their depictions of some perpetrators, whom they initially represented as friends, and the scale of abuse they suffered. All four of them said it was regularly impressed upon them that the shelter needed to secure funding to sustain their needs, and that they must do their part in helping to persuade potential donors by performing culturally approved victimhood and displaying grief, fear, sadness, innocence, and despair in their retelling of their stories. Those who exaggerated their stories, or gave public, often scripted, speeches as ‘advocates’, were rewarded with stipends and speaking engagements in the Philippines and internationally. They were also allowed more social media time. Four of them felt that shelter residents were in competition with each other, and those who were less willing to cooperate in these processes had less access to privileges and were sometimes bad-mouthed by social workers or other women in the shelter and labeled ungrateful. All four also mentioned that they gave in to the pressure sometimes and willingly restructured their narratives to serve as effective ‘survivor advocates’. They noted feeling a sense of loss over their own stories, which had been used in fundraising and anti-trafficking advocacy and awareness raising events. Even in instances where they were personally delivering their stories, they said they knew they had no control over the broader narratives or policies that were being suggested in their name.

Roces (2009, p. 271) in her reflection on the way former prostitutes who have become anti-trafficking activists have allowed women’s organisations to use their past in advocacy, says, ‘The line between prostitutes and women’s NGOs becomes blurred because former prostitutes were co-opted into the movement when they joined an organization’. Here, I extend her argument: the construction of ‘survivors’ is a discursive and disciplinary process. The women who undergo this process are subjected to regulations, often characterised as pastoral care, that seek to produce

certain subjectivities, including a recognition of prior victimhood that must be transcended. They are also heavily dependent on the anti-trafficking sector for support, and in some cases, survival. These dynamics need more academic attention but I acknowledge the methodological and ethical challenges involved: it requires asking survivors to recount their stories, which can be traumatic, and subjecting them to interrogation, which may be invasive and veer into a denial of their agency. I was in a unique position of having met my interviewees while they were shelter residents during my time in the anti-trafficking sector and having earned their trust. Nonetheless, the NGOs that sheltered them demonstrably displayed a lack of regard for the power imbalances between duty-bearers and shelter residents, and in some cases, may have exploited it.

My interviewees explained that their demeanor and comportment in the shelters was part of a performance to ensure they did not get into trouble. In Juana's words, "Exploitation is a cycle and the anti-traffickers are a part of it". They rejected the idea of anti-traffickers as their saviors and viewed their transformation during the rehabilitation process as personal journey, one that was self-driven. Angel said, "I consider rehabilitation to be part of my exploitation, but I was patient and I prayed regularly for guidance and did what they asked me to do. Once I finished my vocational course that they paid for, I left. Now I can say I am free". Among those who identified as sex workers, the cynicism was even starker. Christine said:

"They only sheltered us because they made money off us. They took away OUR jobs so they can have jobs as rescuers. More women, more money! Of course we said yes to whatever they asked so we could free ourselves as quickly as possible. But I'm not grateful. They should be grateful to me".

### **Further reflections**

Ultimately, there are problems in how rehabilitation is currently framed and implemented. The emphasis on survivors as political actors needs to be interrogated in terms of how survivor stories are selected and represented because even this process may be extractive and lack accountability. As mentioned in previous chapters, it is also wielded as an exclusionary tool that constructs legitimate and illegitimate political subjects based on credible victimhood. Sex workers who prefer

to remain in their occupation are not seen as entitled to protection or assistance from the anti-trafficking sector in the same way other precarious workers are.

The similarities between the two groups of interviewees is striking. Sex workers felt that if they were not going to be provided better alternatives, they preferred being left to engage in sex work rather than being rescued. This is captured in Christine's comment, "It's fine if we're caught, but only if they actually help us. But we receive zero help. Even if you catch us daily, but you don't help us, we will go back to this. When I worked as a street vendor – they call this clean and decent work, right? Well, they caught me, too, because I did not have a permit". For some, in the time they were being 'processed' in a shelter, their families had to borrow from loan sharks to feed themselves. Carmel, who tentatively identified as a trafficking victim, was more ambivalent about her thoughts on sex work but openly shared that she was engaging in it for survival and preferred it to her situation in the shelter. This is a clear critique of the structural factors behind their vulnerability, which are not addressed by displacing them from their best source of income and making them responsible for their survival. Even the performance evaluation of IJM's heavily-funded project to combat sex trafficking in the Philippines commissioned by the US Department of State (Development & Training Services, Inc., 2014) states that the biggest weakness of the program is 'aftercare services'. It notes that there were no effective mechanisms to ensure self-sufficiency for victims and that these should be in place before rescue operations are undertaken. The report also notes that, 'Removing victims from prostitution without offering them viable alternatives may have the unanticipated and undesired consequence of making their life more difficult. During the course of the raid they are at risk for not being paid earnings owed to them or end up further indebted, may lose their belongings, and may be made more traumatized by the police intervention'. IJM disagreed with the assessment that aftercare services should be a precondition for undertaking a rescue in the first place. They argued that 'While viable economic self-sufficiency options are necessary and key components of a holistic anti-sex trafficking response, it is not acceptable to leave victims, particularly minors, in abusive situations until all services are in place'. However, 64 per cent of the rescued 'sex trafficking victims' for their project were adult women. I put forward an even more critical take, which is that rescue and rehabilitation programs are informed by and entrench a particular way of thinking about prostitution. As observed by Hill (2014, p. 78), rehabilitation is aimed at modifying the behaviour of sex workers.

It is a demand for sex workers to change even if their circumstances do not (p. 79). Under this regime of truth, sex workers are not entitled to make demands on the state for redistributive justice or work opportunities, but the state can demand that sex workers be reformed (p. 79). Through rehabilitation's emphasis on individual responsibility and self-governance, it obscures the structural contexts in which sex workers live and work, and silences their demand for social change and rights as workers (p. 79). I do not think this is the position of organisations such as CATW-AP and other women's rights groups who oppose prostitution. In fact, the critique of state failure is prominent in their campaigns. However, rehabilitation programs combined with an anti-prostitution stance may have the effect of depoliticising these demands for structural change. Operating as a discursive maneuver as discussed in the Chapter 1, they position the state as a provider of skills training to enable sex workers to move into 'decent' occupations, even if these are objectively more labour-intensive and lower-paid (p. 79). What is glaringly unclear is where women are expected to go after being rescued and rehabilitated, when these options do not prove viable. Luisa, Angel, and Juana recognised the importance of being rescued, and Rica and Alissa were minors when they were rescued, which puts all five in the category of victims that should be protected from sexual exploitation. However they were also critical of the rehabilitation process and suggested that anti-trafficking NGOs were likely to have benefited more from their victimhood instead of helping them. In the next chapter, I reflect on policy directions that may address some of these issues.

Finally, there are feminist goals at stake because anti-trafficking is being wielded as a women's rights tool. It should be a cause for concern that the goal of rehabilitation has been to remake rescued women into good mothers and Christians, craft workers, cleaners, seamstresses, cooks, and factory workers – women who are bearers of traditional feminine virtues of modesty, diligence, and piety. The gendered morality that underpins these interventions is extremely important.<sup>21</sup> Returning to the aim of consciousness-raising as a feminist practice of reconstituting social norms, it is worth interrogating what feminist transformations are taking place and whether patriarchal structures are being dismantled.

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<sup>21</sup> I am indebted to Professor Janet Carsten for these comments on an earlier version of this chapter that I presented at the EuroSEAS Conference in 2019.

## **Chapter 7: Reimagining a future for sex work and anti-trafficking: Repositioning sex work as a labour and social justice issue**

On 23 September 2016, the Philippine Sex Workers Collective posted on their Facebook page:

‘The Inter-Agency Council Against Trafficking (IACAT) Philippines convention is ongoing. Surely they would be talking about us and planning what they would do to "help" us, so we are sending them a series of messages through this page.’

This was accompanied by an image with the words, ‘Don’t talk to me about sewing machines. Talk to me about workers’ rights’.

At the beginning of this research, I sought to interrogate how sex workers are represented in anti-trafficking discourses and how knowledge about sex work was produced in this sector. I also wished to compare the dominant representations of prostitution with sex workers’ lived realities. Finally, I wanted to understand, from sex workers themselves, how they experienced common anti-trafficking interventions. In this chapter, I summarise the answers to these questions and I draw on Fraser’s theory of justice to imagine an alternative approach to sex work that centres around creating space for sex workers’ meaningful political participation and adopting a labour rights and social justice framework. I also contrast this alternative framework with the limitations of the ‘end demand’ approach, based on my reflections on my interviewees’ stories

In a nutshell, what I have found is that throughout the evolution of policies on prostitution in the Philippines, sex workers have been constructed as criminals, economic assets, and victims. Decisions around regulating or ‘protecting’ sex workers have been made by policy-makers, law enforcement, and big donors, but never sex workers themselves. The most recent ideological turn on sex work policy in the Philippines has been the conflation of sex work with victimhood and trafficking. Chapter 3 discussed how CATW-AP and their allies succeeded in institutionalising their abolitionist agenda and how their ‘end demand’ campaign conveniently aligned with the Philippine government’s interest in securing a Tier 1 ranking on the US TIP, which requires prioritising criminal enforcement. IACAT as an organisation and some of its members such as IJM

are heavily reliant on US anti-trafficking funding, which requires them to adhere to US regulations against advocating for the decriminalisation of prostitution. The centrality of US funding and the US TIP report in the anti-trafficking industry has helped reify carceral solutions such as arresting third parties and pressuring rescued women to cooperate in prosecution. Amid all this, structural approaches that involve strengthening workers' rights and demanding more equitable economic policies have barely made it to the agenda, and sex workers have been systematically excluded from policy-making conversations. Despite the enactment of the Anti-Trafficking Law, sex workers (especially cis and trans women), are still regularly subjected to raids and arrests, or raids and rescue, depending on whether they were being treated as criminals or victims in each situation.

The four best arguments for conflating prostitution with victimhood in the context of the Philippines are: firstly, that a sympathetic shift is necessary to correct the conception of sex workers as 'bad women' and criminals; secondly, that prostitution as experienced by most Filipino women is exploitative because of their socio-economic realities and the cultural pressure to be dutiful daughters, wives, and mothers; thirdly, that there is something special about selling sex that makes it uniquely dehumanising, akin to selling oneself; and fourthly, that a presumption of victimhood relieves abused women of the burden of having to prove that they did not consent to selling sex when they report abuse. Only the second and third speak to the question of agency of sex workers, which is the most salient question in assessing trafficking. The other two are strategic questions: the first is about how to respond to stigma and address the problematic provisions in the RPC that criminalise the sale of sex, and the fourth is about how to ensure that women who identify as victims (and not all do) have access to justice. The burning question throughout this research has been: What about sex workers who do not identify as victims, but are still precarious workers? What is the anti-trafficking sector's accountability to them? My interviewees have shown that those who do not embody the victim identity are punished for it. Even those who do identify as victims when they report rarely get the help they need. Perhaps there is a need to consider approaches that account for the diversity of individuals in prostitution, which I discuss in the next sections. On the second and third questions, this research does show that it is counter-productive to pretend that sex work is 'disembodied labour'. Sex work does involve the commodification of embodied human capacities and attributes. There is a 'complex blend of labour power, socially marked bodies, and individual attributes' that are commodified in prostitution (O'Connell



Davidson 2014, p. 519). However, unlike CATW-AP and PCW, I argue that this makes sex work similar to, rather than distinct from, other forms of labour, where control over working conditions is a key determinant of whether the work is ‘decent’ or resembles slavery. Throughout this research, I do not suggest that all sex workers experience their work as empowering. It is true that many are vulnerable to abuse. The question in this chapter is the same question that is usually asked about precarious work: how best to mitigate and reduce vulnerability where it exists, without doing more harm.

The next section summarises what this research has shown about the challenges of engaging with the state to enforce ‘women’s rights’ legislation. This is followed by an argument for sex workers’ political representation. The last section distils the decision points currently faced by women’s groups and the anti-trafficking sector in the Philippines, and ends with a discussion of my proposed path forward.

### *Limits of state intervention*

CATW-AP and other women’s groups may be operating from a human rights framework when they suggest that the state should treat women who sell sex as victims while punishing buyers and third parties, but they are engaging with an ultimately conservative state whose programmed responses to social problems is surveillance, policing, and restrictions on women’s rights in the name of protection. There is consistent evidence that states are better at regulating sexuality than promoting freedom (Showden 2011, p. 177; Ruiz-Austria 2006, p. 110). Therefore any engagement with the state must proceed with caution and an awareness of this risk.

In this research, I have discussed how my interviewees named the police as their biggest threat. They also felt abandoned, if not harmed, by the state. Language used on sex workers by the police (long after the Anti-Trafficking Law was enacted) such as ‘cleaning our streets’, or ‘operation to clean you out’ is not accidental. Neither are the arrests for minor misdemeanours such as ‘littering’ or loitering that my interviewees experienced, which continue to happen despite the vagrancy law being repealed. The idea of cleaning streets out by expelling sex workers draws on a long tradition of ‘broken windows policing’, a theory that crime will decrease if law enforcement eliminates

visual and physical signs of crime, such as street prostitution (Kelling and Wilson, 1982; Dank, et. al., 2017, p. 3). The widespread and highly publicised raids against commercial sex establishments in Metro Manila in the 1990s under the orders of Mayor Lim were regularly referred to as ‘clean-up’ operations as though the people involved were trash. This language also suggests that prostitutes are ‘embodied signs of a community’s moral and political decline’, and thus must be ‘removed and fixed’ to prevent more decay (Hill 2014, p. 85). The mentality behind this type of policing is that ‘poor living conditions in a community are not shared by sex workers but caused by them’ Hill 2014, p. 93). Despite the existence of the Anti-Trafficking Laws, my interviewees’ complaints about clients or the police, when they did come forward, were dismissed – even mocked – on the basis of their identity as sex workers. This callousness is purposive – it is a refusal to regard sex workers as rights-bearing subjects, unlike other ‘decent’ workers who do not explicitly mix sex and money. It is worth thinking about whether introducing a victim narrative alters these attitudes or simply reinforces them. While the victim narrative is meant to correct views of sex workers as criminal and immoral, it is being deployed in a context where the state and many of its core institutions such as the police have historically served as purveyors and mediators of male dominance (Brown, 1992, p. 7). In their encounters with my interviewees, the police have operated with a gendered logic of distinguishing between good and bad women based on their ‘respectability’. The victim narrative signals that women who sell sex can still be among the ‘good women’, because they are victims. One who is bereft of agency cannot be morally responsible for their actions. But what of those who do not identify as victims, or who do not seem ‘pure’ and ‘innocent’ enough? Might the victim discourse not justify retaliatory punishment against them? Furthermore, the previous chapter also shows that unless they provide a convincing performance of victimhood, sex workers are abandoned, failed, and stigmatised by organisations that purport to care for them. Admittedly, IACAT has embarked on a police retraining program to mainstream rights-based and gender-sensitive approaches in anti-trafficking (Ezeilo 2013, p. 16). However, it has been over 15 years since the Anti-Trafficking Law was enacted and the cost of holding out for the small chance that we can reverse structural sexism within the police force and correct the dehumanisation of sex workers by many of them is too high, especially so in the context of a war on drugs that gives them broader powers. This cost is borne disproportionately by sex workers who will need to keep working in the shadows even if their clients are criminalised. The PCW, as discussed in the previous chapter, has developed guidelines for upholding the rights of potential

trafficking victims, but my interviewees' stories and the glaring lack of data on the life outcomes of women released from shelters suggest that the anti-trafficking sector has fallen short of these standards. Therefore, I propose rethinking feminist engagements with the state in the Philippines: this would look like demanding more equitable economic policies and working to reform the police, which women's groups and IACAT already do, but also granting sex workers full political and legal status as workers, without handing the state more paternalistic powers to regulate sexuality or giving the police significant control over sex workers' lives. This is not a proposal to 'give up on the state' –it is actually the 'end demand' paradigm that gives up on sex workers who do not identify as victims. It is a proposal that sees the state as both part of the problem and part of the solution and thus, prioritises upholding the self-determination of sex workers and building their capacity to extract state accountability for their economic and political rights wherever possible.

#### *The case for sex worker representation in policy-making*

There is a striking disparity between my interviewees' conceptions of their needs and how 'experts' have framed ending prostitution as a strategy for improving poor women's lives. When I asked my interviewees to identify what their priorities would be if they had the power to decide the policies targeted at them, they listed food subsidies, free education for their children, housing, and the removal of penalties for the sale of sex. Some of them wished to return to school, but only if they could simultaneously work and get paid enough for their children and families to have a decent life. They also wanted safe and decent regular work for their partners. The anti-trafficking sector is invested in decriminalising the sale of sex to 'protect women', but they are still de facto taking away these women's source of income by 'ending the demand' through punishing clients and third parties. In the best version of this approach, sex workers would presumably be protected from police abuse because they are no longer criminals. However, when I asked my interviewees what they thought of a policy that removed penalties for them but punished their clients, they responded with resounding disagreement. Many said they would exit sex work anyway if better options were available. Sara said, "Taking our clients away is punishing us, too, because we need them. If not for them, we cannot feed our families. We will not survive." Maia, said, "I still will not report abuse because they will know what I do and follow me around so they can catch my

clients and make money off them. That's already happening now. It won't change." Tex from the Collective explained, "The equivalent to protecting other workers by 'ending the demand' would have been to push for the closure of factories or ban the hiring of domestic workers. Do you see how ridiculous it is, when this 'protection excuse' is applied to other jobs?". I asked what they might do if they found themselves with fewer clients. Older ones recalled the closure of bars and clubs in red-light districts in Ermita, Manila and Quezon City in the early 1990s and the street raids directed by anti-prostitution local leaders such as Manila's Mayor Lim. Mary said, "We did not have anything to eat for two weeks. We borrowed money from each other. I had to travel to Makati to find clients. But Makati is *sosyal* (high-end). The girls speak English because they are targeting foreign men. They dress better too. I struggled." Nora said, "I don't agree to anal sex. It's painful and uncomfortable. But if I just have one client in three days ... who knows?". Many of them said they might have to settle for clients they would have otherwise rejected – men who were disrespectful, had bad hygiene, refused to wear condoms, or who wanted rough sex. The disparity between their responses and the policy priorities of the anti-trafficking sector reveals the epistemic injustice in policy-making conversations, which have excluded sex workers and regarded them as objects of intervention whose behaviour needs correction through rehabilitation. What this means is that the anti-trafficking sector has defined 'the problem of prostitution' in a way that is inconsistent with many sex workers' experiences. This 'knowledge' is constantly reproduced and awarded materiality through modes of governance such as raids and rescues.

The Collective's social media attacks on the anti-trafficking sector are an interruptive representational strategy – a way of registering their lives and demanding recognition. However, at no point has the Collective been allowed to make their case in an anti-trafficking forum. Further, the criminalisation of their work requires them to deploy strategic invisibility for individual members, which limits their power. The Collective has not been able to rely on groups working on adjacent issues to publicly challenge problematic assumptions about sex work. I argue that they should not be forced to depend on the benevolence of women's organisations, LGBT groups, and HIV rights groups to represent them in the first place, even as they continue to build partnerships with these groups. If the philosophical objection to sex work from IACAT and allies is that women's 'choice' is deeply curtailed in sex work, this should be remedied by giving sex workers the power to meaningfully participate in the construction of choices available to them rather than

entrenching a further lack of choice by depriving them of another avenue to influence their life circumstances.

Apart from decriminalisation, which is discussed in the next section, a consistent demand of sex worker rights groups across the world, including the Collective, is political recognition, access to political participation, the right to associate and organise online and offline without harassment or censorship (Clamen, Santini, and Charlebois, 2013; Asia Pacific Network of Sex Workers, n.d.; Philippine Sex Workers Collective, n.d.; International Committee for Prostitutes Rights, 1985). Fraser's (2010, pp. 16) three-dimensional theory of justice helps explain why this demand must be met. In general, justice means that 'social arrangements permit all to participate as peers in social life', which requires dismantling obstacles to participation for specific people or groups. Economic obstacles should be corrected with redistribution, which on principle, is supported by all anti-trafficking stakeholders. 'Institutionalised hierarchies of cultural value' may deny people standing, which is a problem of misrecognition. The third and most relevant dimension is political, concerning questions of representation, which sets the stage on which struggles over distribution and recognition play out and are adjudicated (p. 17). The first type, ordinary-political misrepresentation, denies some members who are included in a political community the chance to participate fully, perhaps through imperfect electoral systems or similar policies with winners and losers (p. 19). The second type, which she calls misframing, is more consequential because it sets boundaries that completely exclude people from membership in the political community and from the 'universe of those who are entitled to consideration... in matters of distribution, recognition and the previous ordinary-political representation' (p. 19). Even if these individuals may become objects of charity, they are 'non-persons' with respect to justice because they are unable to author 'first-order claims' or participate in contestation *at all* (p. 20). The pathologisation of sex workers as 'damaged' and 'unreliable' is a form of misframing that keeps them from participating in political life completely. Another form of misframing experienced by leaders of the Collective that they shared with me is the dismissal of their protests by CATW-AP and PCW based on the claim that 'activist sex workers speak from a position of privilege and do not represent most sex workers' (also echoed by GABRIELA in Abad, 2020). The Collective's mere assertion of their existence in some public spaces is agentic given stigma around their work. It would be incorrect to dismiss it as the disconnected opinion of a 'privileged few' because most

leaders of the Collective in fact struggle to provide for themselves and their families, and because it is more likely that the criminalisation and stigmatisation of sex work is what precludes other activists from coming forward or wears down those who do until they can no longer continue. Indeed, a high turnover in membership is one of the organisation's challenges.

What might creating space for political participation for sex workers look like in the context of the Philippines? Fraser (2007, p. 31) explains that 'representation is not only a matter of ensuring equal political voice for women [in this case, sex workers] in already constituted political communities'. It is not enough for sex workers to be 'invited' to sit at the table only to be informed about already agreed-upon decisions nor should they just be involved in discussions about service delivery within the current 'end demand' paradigm, however important these discussions are. The hegemonic interpretation of sex work as victimhood will need to be opened up to discussion, with sex workers and their allies given importance as authorities and a guarantee of influencing decisions. This would mean extending them the same opportunity to testify as experts in consultations and public hearings as trafficking survivors and women's rights groups and compensating them for their time and insights. It also involves aggressively destigmatising sex work by normalising the use of respectful language toward and about sex workers and reporting on sex work in a way that does not promote harmful tropes such as that sex workers are vectors of disease, home-wreckers, or symbols of moral decay in the community; or that being raped is a natural consequence of working in the sex industry. While the UN Trafficking Protocol does make explicit its focus on 'women and children' in its title, there needs to be a clear distinction made in discussing the sexual abuse of children through prostitution and the experiences of women who sell sex, and a recognition of male sex workers, too. When we think of women as children, it becomes easier to accept that prostitution is always 'forced' and to justify paternalistic restrictions on their work and sexuality – and to make decisions on their behalf, as we do for children. This is yet another form of misframing.

The political engagement discussed above, to some extent, relies on sex workers organising. Systematic organising allows them to internally negotiate their goals and articulate them, create an institutional memory of the sex worker community in the Philippines, build credibility as authorities by producing knowledge through their own consultations and interactions among

members, demand formal political recognition, and engage in ‘claims-making’ through public advocacy and official partnerships with other organisations, where they can influence the institutionalisation of their agenda within these organisations (Majic, 2014 p. 123). Obstacles to organising such as criminalisation, censorship of sex workers’ social media advocacy, and restrictions on legal registration for sex-worker led organisations, need to be removed. Donors need to fund sex worker-led organisations and provide them autonomy over their projects, even if their reporting and administrative capabilities are not as sleek or ‘professional’ as established non-profits.

Even if hypervisibility and public assembly are not viable (or desirable) for all sex workers, other forms of solidarity open up with political recognition. It becomes easier to construct a more stable counter-public where members feel a sense of belonging and validity and have access to spaces to share stories, reflect on their sexual knowledge, build cultural practices that can attain solidity over time, process experiences, and engage in consciousness-raising. It also becomes easier for them to provide assistance and other services to vulnerable sex workers, if this is a direction they choose to take as an organisation.

### *Policy options moving forward*

Aguiling-Pangalangan’s (2016) legal assessment of anti-trafficking laws in the Philippines based on their compliance with the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW) is that IACAT does not do enough to classify all prostitution as ‘forced’. She argues that the Anti-Trafficking Law, when read alongside pre-existing laws that criminalise the sale of sex, constructed a ‘false distinction among persons exploited in prostitution’, because legal protections are only accorded to individuals who are identified and proven to be trafficking victims (p. 42). Based on her interpretation of CEDAW and its General Recommendations, there should be no distinctions made between or among prostituted women. Aguiling-Pangalanan correctly identifies that there is a ‘class’ of women engaged in prostitution who are not classified as ‘trafficking victims’ under the Anti-Trafficking Law, and that the anti-trafficking sector is silent on their rights. In the current legal environment with Art. 202 of the RPC, women who are not defined as trafficking victims are indeed, viewed as criminals. Aguiling-Pangalanan’s proposed solution is to repeal Art. 202 and legislate a victim status for all individuals

who engage in prostitution, which is also the legal strategy adopted by IACAT. This approach, however, also creates a class of ‘invisible’ sex workers who prefer to remain in their occupation and are unaccounted for and receive no support or protection under this legal regime.

This research shows that there is actually a meaningful distinction among women who sell sex: some are ‘forced’ and some are not forced in a trafficking sense. In fact, most of my interviewees viewed their interactions with clients as a ‘contract of specific performance’ that was governed by advanced negotiations of services, just as described by Fraser (1993, pp. 178-179). The problem with the RPC is not that it does not punish clients or third parties – it is that it punishes sex workers. Therefore, repealing Art. 202 is indeed, necessary to protect women who sell sex. As PCW (2019) said, “Imprisoning women is not the answer”. However, it is not necessary to go beyond this and criminalise demand because the Anti-Trafficking Law can already be used to cover cases of abuse on the demand side. The distinction would then be between ‘sex workers’ and ‘trafficked persons’ which is a massive improvement over what it is now, which is ‘trafficked persons’ or ‘criminals’. There is no reason to immediately accept that decriminalising the sale of sex needs to go hand in hand with criminalising paying for sex and these two policies should not be conflated. If Art. 202 is repealed, sex workers are protected under the labour laws that apply to other workers and additional occupational health and safety regulations can be introduced, as explained below. International organisations such as Amnesty International and others based in the global south such as GAATW and the International Women's Rights Action Watch Asia Pacific (2018), have opted for this approach to protect the rights of individuals who sell sexual services but do not identify as trafficking victims: they engage with the CEDAW framework to interpret it in a way that distinguishes between trafficking and prostitution. They also promote an acceptance of sex work as work, oppose all forms of criminalisation of sex work, including of clients and third parties, and support self-organisation and self-determination of sex workers.

### *Hybrid model of decriminalisation and legalisation versus ‘ending demand’*

In this section, I provide a rough sketch of an alternative to IACAT’s abolitionism that builds on Showden’s (2011, p. 179-180) proposal to combine the best elements of decriminalisation and legalisation regimes while avoiding the flawed parts, mostly the problematic regulations for



legalised sex work in Nevada. Broadly, this is the model supported by the Collective, GAATW, and Amnesty International. The first step entails decriminalisation, and not only in the ‘partial’ sense advocated by the ‘end demand’ model. It includes repealing laws that criminalise the selling and buying of sexual services and allowing third parties such as brothel operators, bars, or escort providers to facilitate sexual transactions if they do not use force, deception, or abuse of a position of power. Sex workers who work together or share clients should not be criminalised as well.

In terms of regulations, brothels and other establishments that offer sexual services ought to register with state authorities and adhere to labour law and safety provisions just like other business owners. Zoning rules might be a necessary compromise to appease objectors, and to make it easier for state authorities to undertake health and safety inspections in the same way they do for other businesses. When sex workers work in these establishments, they should be treated as employees and entitled to workers’ benefits such as health insurance, annual leaves, pensions, and the right to unionise. In Nevada, they are merely ‘independent contractors’. In IACAT’s preferred model, establishment-based sex workers may be considered employees based on the other types of non-sexual labour they perform, such as singing and dancing on stage, entertaining bar guests over drinks, or providing massages in spas. On this basis, they may form an employees’ union that can engage in collective bargaining with management. However, the terms on which actual sex work is performed and compensated cannot be directly negotiated under such an arrangement. In this alternative model, sex workers can do so. They can also take up their complaints against employers in labour dispute tribunals and employment mediation tribunals, which is not possible in a policy regime that does not recognise them as workers.

MacKinnon (2011, pp. 288-289) is unpersuaded that allowing sex workers the right to unionise or collectivise will mitigate the harms she identified because of the dehumanising effects of selling sex (which have been addressed in Chapter 5) and the power of third parties over women in prostitution. It is true that there are undeniable power disparities between (usually male) owners of bars and brothels and (usually female) sex workers, and it should be assumed that, just like many employers, bar and brothel operators are keen to extract as much value from workers as possible. However, any discussion should be comparative, with policies assessed relative to each other in terms of which policy is better at mitigating harms and creating space for sex workers to

have more control over their working conditions, income, and sexuality. Other legal workers in the Philippines also experience precarious working conditions, but they have comparatively better access to justice and the ability to collectively bargain compared to sex workers. At the very least, third parties and clients can no longer bank on sex workers' lack of standing as a worker when they negotiate employment terms. The anti-trafficking sector inevitably must choose among imperfect options – there is a case to throw their weight behind workers' rights for sex workers in the same way they have done for other workers.

Sex workers should be allowed to choose to work in establishments or with escort providers or to operate individually or in small groups, and authorities should hand out more licenses to smaller brothels operated as sex worker cooperatives. In Nevada, where sex workers are required to work exclusively in brothels, these establishments have a monopoly over the industry, disproportionate leverage over sex workers, and a guaranteed share of their earnings. Unlike in other sectors, many sex workers have been operating as freelancers, and they should have the choice to do so, if they think this gives them better control over their working conditions. In some contexts, sex work requires very little capital, which may make it easier for sex workers to reject working for an employer in the same way a factory worker cannot. Sex workers in Nevada must live in the place where they work, which is a spatial imposition of moral boundaries between sex workers and 'the rest of society', and entrenches the stigma against them. In other settings that have allowed sex work, they are free to live anywhere and choose their mode of operation.

Other mechanisms can be instituted to improve safety, such as a hotline for reporting abuse. Independent workers will have more time to screen clients because they do not have to rush their negotiations to evade police detection. Levy (2015, pp. 183-192) observed the marked decrease in sex workers' ability to screen clients after the 'Nordic model' was instituted in Sweden, which led him to refer to it as a 'harm exacerbation' policy (in contrast to 'harm reduction'). As I argued in the first part of this chapter, police abuse will not disappear under any model. However, with political recognition and some measure of collective organising, sex workers are bargaining with the police from a position of more strength relative to a model where they are criminals, or even where only their clients are criminals, which still renders sex workers vulnerable to extortion in exchange for the police not arresting their clients. With greater leverage against clients and the

police, sex workers are less compelled to seek protection from third parties or establishments and have comparably more freedom over their working arrangements.

Under the Anti-Prostitution Law, sex workers who refer clients to fellow sex workers for a fee, which is an effective way to meet safe and trustworthy clients, may be considered criminals. Landlords whose tenants engage in sex work can be punished for profiting from prostitution, which may compel them to report these tenants or ask them to leave. In a model where third parties are punished, sex workers cannot work together because that would constitute facilitating a transaction. Therefore, even as ‘ending demand’ decriminalises the sale of sex, it makes illegal many other things sex workers do to keep themselves safe. Organising is also less safe, because the police can retaliate by weaponising the law on third parties against any sex worker who does not work alone.

Two tricky questions are whether sex workers should have to register with a state agency and undergo mandatory health checks. Sex workers can be incentivised to register and pay taxes because this guarantees them easier access to state-backed workers’ benefits. Free health services can be provided through social hygiene clinics that already exist. They have a natural incentive to get checked regularly because it may affect their ability to solicit clients. In a future context where sex workers are better able to organise and engage in peer counseling and outreach, they can advise each other on health and safety practices and encourage and accompany each other to get tested. However, there is an argument for keeping registration and health checks optional, which is the preferred model of most sex worker organisations globally, because the risk of mandating them is that several sex workers may refuse to do so out of a desire for privacy and fear of losing their anonymity, especially given their history of stigmatisation by state authorities. This then puts pressure on them to avoid detection and increases their vulnerability. Mandatory registration and health checks also reinforce their difference from the rest of society and entrench stereotypes about sex workers as vectors of disease.

Based on the Philippines’ political culture and dominant forms of public morality, the prospects for destigmatising sex work on a wide scale are poor. However, state recognition of their work as legitimate labour can have a normative effect: it signals that they are worthy of respect, relative to

abolitionism which marginalises and medicalises sex workers and their clients as deviant, immoral, and a threat to social justice. Recognising sex work as work might affirm some of the stigma against them because it constructs them as ‘agentic’ and morally responsible for their choices, but on the flip side, victimhood is not a game sex workers (or women in general) can win. There will always be sex workers who do not meet the bar of credible victimhood. In the long-term, a policy that allows them to disrupt sexual norms (or at least choose for themselves how to negotiate these norms in their lives) is more destigmatising. State recognition also makes it easier for them to participate in civil society, both in terms of their participation being taken more seriously by non-sex workers and their own willingness to advocate for themselves more openly. Its effect on sex workers’ willingness to access health and safety services in comparison to contexts where they work in secrecy is also well-documented.

This alternative model still presumes the repeal of RPC provisions criminalising the sale of sex. Under this alternative, it is still possible to crack down on trafficking; rescue and provide legal and financial support to ‘real’ victims who report abuse; investigate third party reports of abuse; collaborate with sex workers to apprehend abusive cops, employers, and clients; support sex workers who wish to exit; and undertake surveillance in situations where there are credible reasons to believe someone is being trafficked, such as in online child sexual exploitation. It may even free up resources for more targeted interventions in other industries that are being neglected because of the focus on sex work. While the anti-trafficking sector is correct to fear that if sex work is allowed, ‘real’ victims will need to prove their victimisation, they have the Expanded Anti-Trafficking Law and other laws to draw on and can invest in stronger prosecution strategies.

#### *Adopting a labour rights and social justice framework*

Ultimately, more equitable economic policies are the strongest form of trafficking prevention because they eliminate situations where prostitution is the best option for some people. It is important that economic demands are not ‘framed out’ by specific prostitution regulatory regimes. The Philippine anti-trafficking sector and women’s groups fall into this trap of displacing structural solutions when they are seduced by criminal justice metrics and punitive approaches. Some may worry that allowing sex work will provide the state with a ‘free pass’ to

abrogate its social justice responsibilities (Enriquez 2015). This argument is a dead end in that the same could be said about allowing precarious Filipino workers to take up jobs overseas. Despite sex work being officially disallowed for decades, many women engage in it anyway (and if the anti-trafficking sector is to be believed, their numbers are increasing). These women should be able to choose the best option for them under their current circumstances. As Tex from the Collective regularly said, “Declare a war on poverty, not on prostitution”. Increasingly, there are calls for poverty alleviation rather than law enforcement to be the cornerstone of the anti-trafficking movement (Swenstein and Mogulescu 2016, p. 119).

Nonetheless, with or without poverty alleviation, specific prostitution policies can still improve or worsen sex workers’ lives, even if this is a question of gradients. There are indeed individuals who are trafficked into prostitution, in the same way that there are persons trafficked into agricultural work, domestic work, construction work, and other forms of labour; and these trafficking situations do need to be addressed. I propose to view sex work within the spectrum of work, where some individuals end up on one end of the spectrum because their specific working conditions involve high levels of exploitation. While coercion and abuse can occur in sex work, as they do in other vulnerable work sectors, instances of outright abduction, physical coercion, and deception occur far less often than depicted by abolitionists (Bernstein 2007, p. 131). Therefore, as in other occupations, we ought to prevent and address trafficking cases, but without classifying an entire category of workers, regardless of individual circumstances, as unacceptable. It is possible (and necessary) to provide support to individuals who wish to exit sex work without rescuing even those who do not. As with other sectors, where prevention efforts focus on engaging with workers and encouraging them to collectivise and mobilise for legal recognition and stronger rights, trafficking prevention in sex work should also involve empowering sex workers as workers. And as with other forms of work, legalisation does not mean condoning harm and violence: the sale of sex should be allowed, but violence should not (Showden 2011, p. 181).

In sum, we cannot point to sex workers’ lack of agency while simultaneously denying them agency in their ability to influence political processes or mobilise for rights as workers. Political enfranchisement is the best way to correct for a lack of choice. There is a constant focus in anti-trafficking discourse on the coercion involved in women’s choices to enter prostitution, but this needs to be weighed up against the coercion involved in forcing women to exit prostitution by

criminalising the demand for their work. Coercing women to exit prostitution also means coercing them to take up factory work, domestic work, or other forms of work they would rather not or cannot do, or reinserts them into relationships of violence they were trying to leave. The anti-trafficking sector seems to have determined that because of the abuses experienced by sex workers under a regime of criminalisation, the only solution is abolitionism. Merry (2016, p. 140) makes the case for more careful ethnographic studies on trafficking to complement quantitative forms of knowledge that tend to explain trafficking through the ‘dyadic relations’ between ‘traffickers’ and ‘victims’. These studies would focus on people, social situations, and their larger structural contexts (p. 221), which is similar to feminist approaches. More research of this nature should be conducted in a way that is open and transparent and in a safe and non-judgmental atmosphere for sex workers. If the strategy of writing sex workers as victims into law is completed through the enactment of the Anti-Prostitution Law, political inertia will make it significantly harder to walk back on it and revisit questions of agency in sex work. This research is a proposal for a course correction. It demonstrates the need to consider alternative possibilities beyond victimhood as a political identity.

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## **Appendix A: Relevant Laws**

An Act Decriminalizing Vagrancy, amending for this purpose article 202 of the Revised Penal Code (Republic Act. No. 10158).

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Anti-Prostitution Act, 18th Congress, Senate Bill No. 501, filed on July 16, 2019 by Cayetano, Pia. <http://legacy.senate.gov.ph/lisdata/3087827723!.pdf>

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Anti-Trafficking in Persons Act of 2003 or Republic Act 9208 (Anti-Trafficking Law).

[https://www.lawphil.net/statutes/repacts/ra2003/ra\\_9208\\_2003.html](https://www.lawphil.net/statutes/repacts/ra2003/ra_9208_2003.html)

Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), adopted in 1979 and entered into force in 1981.

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

Domestic Workers Act of 2013 or Republic Act No. 10361, enacted by Congress in 2012, signed by Pres. Benigno Aquino in 2013. <https://www.officialgazette.gov.ph/2013/01/18/republic-act-no-10361/>

Expanded Anti-Trafficking in Persons Act of 2013 (Expanded Anti-Trafficking Law), enacted by Congress in 2012, signed by Pres. Benigno Aquino in 2013.

<https://www.officialgazette.gov.ph/2013/02/06/republic-act-no-10364/>

Magna Carta of Women of 2009 or Republic Act 9710. <https://cws.up.edu.ph/wp-content/uploads/RA-9710-Magna-Carta-of-Women.pdf>

Migrant Workers and Overseas Filipinos Act of 1995 or Republic Act No. 8042.

<https://www.refworld.org/docid/4c401ed92.html>

Philippine Code of Sanitation (Presidential Decree 856 of 1975), Sec. 62.

[https://www.doh.gov.ph/sites/default/files/publications/code\\_on\\_sanitation\\_phils.pdf](https://www.doh.gov.ph/sites/default/files/publications/code_on_sanitation_phils.pdf)

Philippine Labor Code (Presidential Decree No. 442 of 1974), Art. 138.

[https://www.dole.gov.ph/php\\_assets/uploads/2017/11/LaborCodeofthePhilippines20171.pdf](https://www.dole.gov.ph/php_assets/uploads/2017/11/LaborCodeofthePhilippines20171.pdf)

Quezon City Ordinance No. SP-1516, S-2005 – An Ordinance Addressing the system of prostitution, imposing penalties on its perpetrators, providing protective measures and support for the prostituted persons, and for other purposes. <http://quezoncitycouncil.ph/ordinance/SP/sp-1516,%20s%202005-1.pdf>



Revised Penal Code of 1930 (RPC) Arts. 201 (Immoral doctrines); 202 (Vagrants and prostitutes); 341 (White slave trade).  
[https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/PHL\\_revised\\_penal\\_code.pdf](https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/PHL_revised_penal_code.pdf)

United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Trafficking Protocol), adopted in 2000 and entered into force in 2003.  
<https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

United States Trafficking Victims Protection Act of 2000 (TVPA).  
<https://www.govinfo.gov/content/pkg/PLAW-106publ386/pdf/PLAW-106publ386.pdf>

## **Appendix B: Information Sheet for Interview Respondents**

I am Sharmila Parmanand, a student at the University of Cambridge in the United Kingdom. I was a volunteer for the Philippine Sex Workers Collective. I was born and grew up in the Philippines. I can speak Tagalog. I also understand Bisaya, Ilonggo, and Chavacano.

I used to work for Visayan Forum Foundation (an anti-trafficking organization), but I have not been connected with them since I left in 2016. I have no connection to government authorities or the police and I am an independent researcher.

My research project is about the anti-trafficking sector in the Philippines and how it relates with sex workers and/or women in prostitution. I will talk to as many of the people involved, such as NGOs, government officials, and the police, but more importantly, I want to hear from sex workers or women in sex work or prostituted women themselves about how anti-trafficking interventions have affected their lives. Some of these interventions include raids, rescue operations, or rehabilitation in shelters. If you feel you belong to any of those categories or have some experiences with these interventions, please consider getting in touch with me. I think your experiences are the most important part of my research and I am hoping you can share them with me.

The finished product will be a piece of written research that I will submit to my university. I cannot promise that it will make a difference in your life. However, I am happy to share my research with you and the members of the Philippine Sex Workers Collective for any advocacy work they may want to undertake in the future. My research will also be available to anti-trafficking organisations and our government.

I can assure you that your names and identities will be protected and will never be disclosed to anyone outside my academic supervisors. Only my supervisors and I will have access to your personal information and we have signed an agreement with the university indicating that the information will be treated as highly confidential. We are not allowed to discuss any identifying information related to you outside of ourselves. I will remove any identifying information (for example, your name, address, birthday, or specific circumstances that can directly lead to you being identified) from my final research document and I will be storing our written interview transcripts or audio recordings in password-protected electronic documents. When presenting my data, I will use pseudonyms for specific references or refer to aggregated responses and percentages. If I make our interview transcript available for other researchers, it will not have your name or any identifying information. If you do not want your transcript available to any other researchers at all, you may say so, and I will honor that request.

For every interview, I will cover your meal and your travel costs to and from our interview venue. I will also compensate you for your time with 300 pesos. If you need to bring a child or your children along to the interview, please let me know in advance and I can cover their travel costs and meal as well.

If you agree to this interview, please let me know a public place (for example, a park, shopping mall, café, restaurant, bar, etc.) in which you feel safe and comfortable that we can use as our

venue. We can also speak in hotel rooms if you prefer this. I can conduct the interview with you individually, and if you want to meet more than once, I am happy to do that. If you prefer to be interviewed along with other sex workers in a group setting, I can arrange that. If you would like to bring a friend or companion along during the interview, you are welcome to do so, and please let me know in advance. I might ask some of you if you are okay with doing a second or third follow-up interview with me, but of course, it is up to you.

I will be asking about your life story and your experiences with clients and other actors such as the police, health care providers, or social workers. Before the interview, I can send you a copy of the interview questions I wish to ask, but our conversation can also evolve to include other topics and I may ask other related questions that are not on the list. If there are things you want to tell me that are not covered by these questions, please feel free to do so. If there is a question you are not comfortable answering, you don't need to answer. That is your right. You do not have to provide an explanation and I will not ask for one. If at any point during or after the interview, you realise that you do not want your answers to be included or that you do not want to be part of this research at all, you can do so. That is your right. Just let me know.

I will take written notes during our interview so I can retain what you say. I will provide you with my hand-written summary of your answers after the interview and you can choose to revise them (remove certain parts, add to your answers, provide clarifications, etc.). If you would like me to send you an actual transcript for your approval, I can do that two weeks after the interview. Please let me know how I should send it to you, or if you would like to meet again for this purpose. If I record the interview, I need to secure your permission first. You are not required to provide this permission. If you agree to being recorded, I will keep your voice recording in a password-protected sound file and address you by your pseudonym throughout the interview.

My email address is (redacted) and my Facebook profile is (redacted). You can get in touch with me directly or through a friend or through the Philippine Sex Workers Collective. My WhatsApp number is (redacted). My local number is (redacted). If you have any questions, you are welcome to ask them. Even if you have already agreed to an interview and then realise you have additional questions before, during, or after the interview, you should feel free to ask. If you have any problems that you are not comfortable raising with me, my supervisor's email address is (redacted)

## **Appendix C: Semi-structured Interview Questions**

### **Part I: Personal Information**

Name (optional):

Age:

Sex:

Gender Identity:

Present location:

Place of origin (or hometown):

Do you have children?

If yes:

How many?

Do they live with you?

If not, where do they stay?

Do you financially support anyone (children, partner, other family)?

Relationship Status:

Married

Co-habiting

Single

Multiple partners

What was your age when you first engaged in sex work?

Why did you enter into sex work?

Mode of operation (please check all that apply):

Street

Brothel

Bar/club

Online

Other (please specify):

Any other details you'd be willing to share:

Income:

Special services:

Do you have a manager?

If so, what is your arrangement?

Other details:

## **Part II. Awareness of legal and policy ecosystem**

How do you describe your work to outsiders?

What do you write down as your occupation in official forms or documents?

How do you describe your work to friends and family members?

Based on your knowledge, what is the legal status of your work?

Have you heard about 'human trafficking'?

If yes, what do you know about it?

Has anyone tried to ask you about your work?

If yes, who are they?

Has anyone explained the law and policies on sex work to you?

If yes, who explained it?

Do you know what the police can and cannot do to you?

If yes, please share.

What do you think of the proposal to remove any criminal punishment for sex workers but to punish clients and managers? Do you think this will be helpful to you?

Did you know about the Philippine Sex Workers Collective before this interview?

Would you join a Collective of sex workers? Why? What kind of things would you want the Collective to do?

If you had a 'wish list' of things you could ask from the government, NGOs, and society in general, what would be on it? If you could design the policies on sex work, what policies would you suggest?

### **Part III. Support systems**

Have you ever needed to borrow money?

If yes, where do you go? Whom do you approach? And what was the arrangement?

Do you have access to condoms and other contraception?

If yes, from whom?

Do you get check-ups?

If so, when and where?

Is it free?

Have you ever been a victim of crime? (ex. robbery, extortion, etc.)

If yes, what did you do?

If you did not report to the police, why not?

Do you take steps to avoid being victimised? What are these steps?

Have you ever been abused by a client or manager?

If yes, what did you do?

If no, what do you think will you do if it happens?

Do you take steps to avoid being victimised? What are these steps?

Do you know where to report if you feel that the police has abused you?

Would you ever report police abuse, if it happened?

If no, why not?

Have you reported abuse in the past?

If yes, how was it dealt with?

#### **Part IV. Raids and rescue operations**

Are you aware of police raids in your area?

If yes, how did you find out?

Do you feel that you may be subjected to a raid?

If yes, how do you avoid being raided?

If not, how come?

Have you ever witnessed a raid?

If yes, what happened?

Do you know of a sex worker who has been subjected to a raid?

If yes, what happened in that situation?

Have you ever been subjected to a raid or rescue?

If not, what do you think will you do in the situation?

If yes, what happened?

Do you know which actors were in the raid – police, social workers, etc.

What did they say to you when they approached you?

Did they explain what was happening and what they were doing to you?

Did they explain what the next steps would be?

Did they tell you that you could ask questions?

How were they acting toward you?

How did you react (cooperate, resist, keep silent, etc.)?

If you resisted or disagreed with them, how did they react?

Were there media people?

If so, did they take photos?

Were you exposed in these photos – face/body?

How did the police handle the media?

What happened after the raid?

For example, did they classify you as a potential trafficking victim?

How were you released?

Where you able to return to your job?

If yes, what did you or your employer do to be able to return to the same job situation prior to the raid?

If no, what adjustments did you have to make?

Did you earn more or less money after the raid?

Any other comparisons on your life before and after the raid?

How do you feel about the experience?

Is there anything else you'd like to share?

## **Part V. Rehabilitation and Shelter**

Were you ever placed in a shelter?

Which shelter?

For how long?

Which organization was running the shelter?

How did you end up in the shelter?

Did the people involved explain why you were being sheltered?



Were you told that you could refuse?

Did you refuse to be sheltered at any point?

If yes, what happened?

If no, why not?

Were you consulted on your situation and the interventions?

Did you ever attempt to leave or escape?

If yes, why? And what happened?

What happened while you were in the shelter?

How did you feel about these interventions?

Were you consulted while the interventions were ongoing?

Were you allowed to communicate with people outside the shelter?

While you were at the shelter, were you earning?

What was your family's source of income while you were at the shelter?

Why were you released?

Were you asked for your feedback upon release?

How do you feel about the experience?

What did you do after your release?

If you returned to sex work: did you go back to your previous situation or did the circumstances change?

If you did not return to sex work: Why not? And what did you do instead?

## **Appendix D: Consent Form**

Name:

Age:

I have read and understood the Participant Information Sheet – Y/N

I have been given the opportunity to ask questions and have had them answered to my satisfaction – Y/N

I agree to take part in this project – Y/N

I understand that my participation is voluntary and that I am free to withdraw at any time without giving a reason – Y/N

I am aware that my identifying personal information will not be disclosed in research findings – Y/N

I consent to an anonymised transcript of my interview being made available to other researchers – Y/N

I consent to the interview being audio-recorded – Y/N

Signature:

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